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THESIS

ENHANCING THE NFL'S COUNTER-TERRORISM EFFORTS: IS THE LEAGUE'S SECURITY SCHEME ABLE TO EFFECTIVELY THWART TERRORIST ATTACKS?

by

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September 2016

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13. ABSTRACT (maximum 200 words)

The National Football League (NFL) has become the unofficial national pastime in the United States due to its massive popularity in terms of game attendance, television viewership, and annual revenues. Because the league is far and away the most popular professional sports league in the world, there exists a risk that its games will be targeted by terrorists seeking either to announce their agenda or simply to inflict as many casualties as possible. My thesis answers the following questions: How adequate is security at non-Super Bowl NFL games against potential terrorist attacks? And how can the government and the league best manage this interface of public and private issues—and secure major-league regular season football games and their tailgates effectively and in a manner that does not scare away the fan base? Additionally, the thesis draws comparative lessons from the security programs at U.S. international airports and in the English Premier League. It concludes that the NFL has largely succeeded in its protective efforts but must yet improve security in tailgating areas, especially in surrounding private lots.

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ABSTRACT

The National Football League (NFL) has become the unofficial national pastime in the United States due to its massive popularity in terms of game attendance, television viewership, and annual revenues. Because the league is far and away the most popular professional sports league in the world, there exists a risk that its games will be targeted by terrorists seeking either to announce their agenda or simply to inflict as many casualties as possible. My thesis answers the following questions: How adequate is security at non-Super Bowl NFL games against potential terrorist attacks? And how can the government and the league best manage this interface of public and private issues—and secure major-league regular season football games and their tailgates effectively and in a manner that does not scare away the fan base? Additionally, the thesis draws comparative lessons from the security programs at U.S. international airports and in the English Premier League. It concludes that the NFL has largely succeeded in its protective efforts but must yet improve security in tailgating areas, especially in surrounding private lots.

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LIST OF ACRONYMS AND ABBREVIATIONS

9/11	September 11, 2001
AIT	advanced imaging technology
ACLU	American Civil Liberties Union
AMS	active millimeter-wave scanner
ATF	Alcohol, Tobacco, Firearms
AT	anti-terrorism
BPATS	Best Practices in Anti-Terrorism Security
CBRNE	Chemical, Biological, Radiological, Nuclear, and Explosive
CCICADA	Command, Control and Interoperability Center of Advanced Data
CCTV	closed circuit television
CTSA	Counter Terrorism Security Advisor
DC	District of Columbia
DHS	Department of Homeland Security
DORA	dynamic on-going risk assessment
EPL	English Premier League
ESPN	Entertainment and Sports Programming Network
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
FBO	Football Banning Order
FIG	Field Intelligence Group
FY	fiscal year
GDP	gross domestic product
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICS	Incident Command System
IRA	Irish Republican Army
ISIS	Islamic State in Iraq and Syria
JTTF	Joint Terrorism Task Force
LAX	Los Angeles International Airport
MiLB	Minor League Baseball

MLB	Major League Baseball
NaCTSO	(British) National Counter Terrorism Security Office
NBA	National Basketball Association
NBC	National Broadcast Company
NCAA	National Collegiate Athletic Association
NFL	National Football League
NHL	National Hockey League
NIMS	National Incident Management System
NSSE	National Special Security Events
PFO	Principal Federal Official
QATT	Qualified Anti-Terrorism Technology
RV	Recreational Vehicle
SAFETY Act	Support Anti-Terrorism by Fostering Effective Technologies Act
SEAR	special event assessment rating
TIA	total information awareness
TSA	Transportation Security Administration
U.K.	United Kingdom
U.S.	United States
VIP	very important person
WBI	whole body imaging
WBS	whole body scanner

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Go Seahawks!

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I.   INTRODUCTION

Professional football attendance is a weekly ritual in the United States from the late summer through the winter, and this pastime is firmly entrenched in American culture. Every Sunday during the football season, millions of Americans watch National Football League (NFL) games either in person or on television. Each game on Monday, Thursday, or Sunday attracts 60,000–90,000 fans into each stadium; the National Broadcast Company (NBC) televises the Sunday Night Football game of the week, which attracts the highest viewer averages of any television program with 21 million Americans watching each game.[1] In all, the NFL earns $9 billion each year and stands to make as much as "$25 billion in annual revenues for the league by the year 2027."[2] For all of these reasons, a regular season NFL football game could make a tempting target for terrorists of any stripe looking to make a lethal splash, garner headlines, or instill fear in the U.S. public.

While the biggest game—the Super Bowl itself—receives extra attention from law enforcement and other homeland security officials looking to secure the big-draw championship match, all other NFL games are subject to less obvious and less complete security measures, perhaps because they are part of the national routine. If the security plan for regular season NFL games is inadequate, then the potential for a terrorist attack rises considerably, as does the potential for a high loss of life among the thousands of fans these events attract.

There are counter-pressures, as well. Security costs money, and the franchises are, in the end, private ventures. League owners have priorities in addition to—or other than—security, while the government can only regulate or require so much security. On the other hand, as events in November 2015 in Paris showed, everyday people gathered to

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[1] Lynette Rice, "How Did the Big Bang Theory Fare? Top 20 Most-Watched Shows This Fall," PEOPLE.com, last modified January 2, 2015, http://www.people.com/article/top-shows-fall-2014-big-bang-theory-nfl-scandal-ncis.

[2] Monte Burke, "How the National Football League Can Reach $25 Billion in Annual Revenues," *Forbes*, last modified August 17, 2013, http://www.forbes.com/sites/monteburke/2013/08/17/how-the-national-football-league-can-reach-25-billion-in-annual-revenues/#2dada1cf3ad0.

engage in normal leisure activities—dining out, attending a concert, or watching a sports event—need and expect a high level of security.

A.   MAJOR RESEARCH QUESTION

Is security at non-Super Bowl NFL games sufficiently protective against potential terrorist attacks and, if so, how can the government and the league best manage this interface of public and private issues to secure major-league regular season football games effectively—in a manner that does not scare away the fan base? Additionally, what lessons might be learned from American international airports and English Premier League (EPL), two comparative cases of the protection of large numbers of people in a public setting?

B.   SIGNIFICANCE OF THE RESEARCH QUESTION

Research completed as recently as 2014 analyzed the terrorism threat on all American sporting events, "such as NFL, MLB [Major League Baseball], MiLB [Minor League Baseball] or NCAA [National Collegiate Athletic Association] athletic events."[3] Some American sporting events, such as NFL regular season games, are at a greater risk of attack because the areas in and near the stadiums are readily accessible to the general public. At the same time, less security is provided to NFL regular season games because homeland security experts attach a low Special Event Assessment Rating (SEAR) rating to these events, which limits federal funding for its security apparatus.[4]

The U.S. National Football League is *the* premier professional sports league. The NFL leads in terms of viewership for a professional league not only in the United States, but it absolutely dominates the rest of the world. According to *Forbes* magazine, the NFL has 20 of the world's top 50 wealthiest professional franchises, and that is out of a total of 32 NFL teams.[5] The NFL reportedly earns roughly $9 billion a year, and the second place

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[3] James M. Gehring, "Sports Venue Security: Public Policy Options for SEAR 4–5 Events," (master's thesis, Naval Postgraduate School, 2014), XX.

[4] Gehring, "Sports Venue Security," XX.

[5] Kurt Badenhauser, "The World's 50 Most Valuable Sports Teams 2015," *Forbes*, last modified July 15, 2015, http://www.forbes.com/sites/kurtbadenhausen/2015/07/15/the-worlds-50-most-valuable-sports-teams-2015/.

professional league, the English Premier soccer league, earns $2.7 billion.[6] In 2013, the NFL accounted for 46 "of the 50 most watched sporting events" that year.[7] For these reasons, and because the NFL has such a large attendance at its games, NFL events would appear to be a more attractive target for a terrorist attack than those of the National Hockey League (NHL), Major League Baseball, and National Basketball Association (NBA). Moreover, in the hours leading up to the kickoff, all NFL games also have thousands more people within close proximity to the stadium, tailgating, dining out, drinking in a bar, shopping for NFL apparel in the team store, or employed in some capacity. The tailgate prior to an NFL regular season football game is an event in and of itself. Most of the tailgate areas are situated within viewing distance of the football stadium, and the tailgate experience starts hours prior to the game and will resume at its conclusion. On game days, the large but also congested tailgate areas are packed with fans who are drinking, barbequing, eating, and socializing.

The attacks in Paris at a soccer game and rock concert in November 2015 demonstrated the different ways in which terrorists can strike without warning; these attacks also targeted Western culture in general.[8] If attacks like these were to occur at an NFL game, the loss of life could be much higher than the death tolls in the Paris attacks. The immediate and intensive media response would spread lasting corrosive effects of terrorism in the wake of such a catastrophe.

This research analyzes the security measures in place at NFL games, and, although it finds the NFL largely well-secured, it also makes some prescriptions to further the League's efforts and to protect football fans and players even more effectively. Analysis of the comparative cases of American international airports and EPL soccer—both of which have enacted major security upgrades and face ongoing

[6] Ivana Kottasova, "English Soccer Is Now World's 2nd Richest Sport," CNN, last modified February 11, 2015, http://money.cnn.com/2015/02/11/news/economy/english-soccer-football-rights/.

[7] Cork Gaines, "The NFL Still Destroys the Other Sports in the Battle for TV Ratings," *Business Insider,* last modified January 2, 2014, http://www.businessinsider.com/nfl-tv-ratings-2014-1.

[8] Steve Almasy, Pierre Meilhan, and Jim Bittermann, "Paris Massacre: At Least 128 Killed in Gunfire and Blasts, French Officials Say," CNN, last modified November 14, 2015, http://www.cnn.com/2015/11/13/world/paris-shooting/.

challenges—may highlight opportunities for the NFL to improve its security plans to help mitigate the likelihood of an attack.

C.   LITERATURE REVIEW

The 1972 Summer Olympics in Munich was the first, and arguably the most horrendous, terrorist attack at a major sporting event. Specifically, members of the Israeli national team were targeted and assassinated by Palestinian terrorists. The group responsible for the attack, Black September, wanted to use the Olympics as a platform to announce its grievances, knowing that the world would take notice.[9]

Munich was not the only attack at a major international sporting event. The Atlanta Olympics in 1996 and the Boston Marathon bombings in 2013 were both examples of large-scale, highly publicized domestic attacks that changed how Americans collectively view sporting events, from safe to potentially unsafe. Eric Rudolph, author of the Atlanta bombings, was an "antigovernment fanatic" whose "grievance was anti-abortion" based.[10] Dzhokhar and Tamerlan Tsarnaev, the brothers responsible for the Boston Marathon bombings, embarked on their murderous plans because they were angry with U.S. "military actions in Iraq and Afghanistan," which they viewed as a general U.S. "conspiracy against Muslims."[11] Neither Rudolph nor the Tsarnaev brothers had any specific grievance against the people they killed and injured; rather, they wanted to "embarrass" the U.S. government.[12]

James Gehring states the threat of terrorism at sporting events is high because of its cultural significance in society, let alone the large attendance at given events. Gehring writes: "Because sporting events warrant a tremendous level of advertising, strong links of support from alcohol producers, and flashy displays by female cheerleaders, an attack on such a venue can support a vehement cultural judgment assailing American societal

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[9] Annette Vowinckel, "Sports, Terrorism and the Media: The Munich Hostage Crisis of 1972," *Esporte e Sociedade* 2, no. 6 (June 2007): 7, http://www.uff.br/esportesociedade/pdf/es602.pdf.

[10] Ramon Spaaij and Mark S. Hamm, "Endgame? Sports Events as Symbolic Targets in Lone Wolf Terrorism," *Studies in Conflict & Terrorism*, June 2015, 4, doi:10.1080/1057610X.2015.1076695.

[11] Spaaij and Hamm, "Endgame," 8.

[12] Spaaij and Hamm, "Endgame," 8.

values."[13] The importance of sports in America will lend a greater degree of exposure to a potential attack because "research shows that these events have become viable, valuable terrorist targets because of increasing attendance and rapidly expanding exposure via cable television, satellite broadcasts, and the Internet."[14] The NFL clearly fits this description of a high-profile target.

The NFL could also become the target of an attack since it has been instrumental in the growth and economic prowess of the cities that have a franchise. Resultantly, these franchises are believed "to symbolize a city's emerging or declining urban status and business climate."[15] The NFL is potentially at risk because it represents "a very symbolic target of terrorism because it is so associated with the globalization of the American economy and the American culture."[16]

While an NFL game has not yet been attacked, the league has been targeted in the past. A year after the 9/11 attacks, "the Federal Bureau of Investigation (FBI) issued a vague alert warning that people with suspected ties to terrorist groups had used the Internet to access information on sports stadiums in the United States and Europe, including the RCA Dome in Indianapolis and the Edward Jones Dome in St. Louis."[17] The implication of the FBI's statement is that terrorists were attempting to find avenues to attack an NFL game based on perceived weaknesses of stadium designs and security schemes. A terrorist attack at a packed NFL stadium could be devastating if executed effectively. For example, a Department of Homeland Security (DHS) study that focused on the potential consequences of an attack at a sporting game demonstrated that

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[13] Gehring, "Sports Venue Security," 5.

[14] Gehring, "Sports Venue Security," i.

[15] Kimberly S. Schimmel, "Protecting the NFL/ Militarizing the Homeland: Citizen Soldiers and Urban Resilience in Post-9/11 America," *International Review for the Sociology of Sport* 47, no. 3 (2012): 342, doi:10.1177/1012690211433479.

[16] Richard H. Fallon et al., "Panel I: Legal Issues in Sports Security," *Fordham Intellectual Property, Media and Entertainment Law Journal* 13, no. 2 (April 2003): 366, http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1257&context=iplj.

[17] Spaaij and Hamm, "Endgame," 3.

"a biological attack on a sports arena…would potentially kill 2,500 people."[18] Therefore, the NFL should first be concerned for the safety of its fans in mitigating terrorist threats, and then worry about the economic aspects of its business.[19]

Despite the perception that NFL games are attractive targets to terrorists, some question the value of introducing additional safety measures. Kimberly Schimmel cites the negative effects to liberty and free movement within close proximity to major sports events:

> Congratulations local citizens! Your city has just won the right to host the next major sport event! … Oh, and you can also expect to be surveilled, digitally scanned, corralled, barricaded, patted-down, have your city permanently reconfigured and militarized, your traffic patterns altered, and your domestic legal structures ignored. Enjoy the games![20]

A Senior Writer for ESPN, Tim Keown, echoes this concern by describing his general discontent and irritation with attending NFL games because the "hassle/cost/indignity/danger of attending" games diminishes the positive atmosphere provided to fans.[21] The cost of extra security is that the "intensifying militarization of urban space" for the sake of sports has in some ways downgraded the "quality of life for urban residents."[22] The counter-argument that favors more security at the expense of liberty is that since 9/11 the addition of more security personnel and technologies "had to be implemented for the safety of the fans and athletes" because the threat warrants the methods.[23]

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[18] Stacey Hall, Lou Marciani, and Walter Cooper, "Sport Venue Security: Planning and Preparedness for Terrorist-Related Incidents," *The Smart Journal* 4, no. 2 (Spring/Summer 2008): 7, http://www.thesmartjournal.com/venues.pdf.

[19] Department of Homeland Security Center of Excellence. *Best Practices in Anti-Terrorism Security for Sporting and Entertainment Venues Resource Guide*, CCICADA, 36, last modified July 2013, http://ccicada.org/wp-content/uploads/2015/08/CCICADA_Stadium-Security_Best-Practices-Guide.pdf.

[20] Kimberly S. Schimmel, "Major Sport Events and Global Threats/Responses," *Criminal Justice Matters* 88, no. 1 (June 2012): 20, doi:10.1080/09627251.2012.695502.

[21] Tim Keown, "Check Your Dignity at the NFL Door," ESPN: Entertainment and Sports Programming Network, last modified September 20, 2011, http://m.espn.go.com/wireless/story?storyId=6996681&lang=ES&wjb=.

[22] Schimmel, "Major Sport Events and Global Threats," 21.

[23] Steven H. Appelbaum, Ethan Adeland, and Jake Harris, "Management of Sports Facilities: Stress and Terrorism since 9/11," *Management Research News* 28, no. 7 (2005): 80, doi:10.1108/01409170510784896.

Airport security provides one model not only for the methods and measures that may work in such a crowded commercial venue but also for the larger debates about securitizing these spaces. Mark Salter states that airports "have become sites of intense surveillance, policing, and control" because "public and private authorities have taken advantage of the liminal character of airports to conduct policing and border functions, which take place inside the state but at the margins of the law."[24]

The proliferation of additional security technologies in international airports has been argued to lead to some misuse and mishandling of personal information and aspects of privacy invasion. Data obtained from travelers during the screening process at international airports "may be vulnerable to forms of fraud or other misuse among employees who handle the data."[25] Beyond the aspect of fraud and potential identity theft, personal privacy is at stake with the use of active millimeter-wave scanners (AMS), which is synonymous with whole-body scanners (WBS), to check travelers through the security line because the machine performs a scan that portrays the physical traits and composition of the individual ranging from aspects of shape, size, color as shown underneath the clothing, which may be in conflict with "medical privacy issues."[26] Daniel Solove poses the question of whether law-abiding citizens should be adverse to additional government intrusions based on their belief of no wrongdoings.[27] This idea plays into the question of balancing privacy and security, as Solove states the argument from both sides: "if you have nothing to hide, then what do you have to fear?" against "If you aren't doing anything wrong, then what do you have to hide?"[28] These sensitivities about privacy seem even more acute in the context of sport and leisure.

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[24] Mark B. Salter, *Politics at the Airport* (Minneapolis: University of Minnesota Press, 2008), xi.

[25] Salter, *Politics at the Airport*, 31.

[26] Govert Valkenburg and Irma Van der Ploeg, "Materialities between Security and Privacy: A Constructivist Account of Airport Security Scanners," *Security Dialogue* 46, no. 4 (July 2015): 339, doi:10.1177/0967010615577855.

[27] Daniel Solove, "'I've Got Nothing to Hide' and Other Misunderstandings of Privacy," *San Diego Law Review* 44 (2007): 746, http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1159&context=faculty_publications.

[28] Solove, "I've Got Nothing to Hide," 747.

The EPL's security scheme provides a useful comparison for the NFL since they are the two most profitable sporting leagues in the world. The British soccer league suffered a massive decline in the numbers of fans attending matches in the 1980s when "hooliganism was a fundamental social problem."[29] As a result of numerous violent outbreaks and other safety issues at matches, the league and English government "brought about a programme of change which has seen the gradual transformation of English stadia and the introduction of a new system of stadium safety management."[30] The transformations enacted in response to safety and security issues saved the league, and allowed for growth into its current highly profitable state.

While many of the changes to promote security at EPL matches are viewed positively, others have received some negative feedback from fans. For example, the league introduced a series of Football Banning Orders (FBOs) starting in the late 1980s to prevent offenders from attending further matches, or from even travelling abroad while their team plays outside of the United Kingdom (U.K.). The British government allowed for the FBOs to be far-reaching to prevent "the acute political embarrassment arising from repeated acts of 'rioting' involving English fans attending football matches abroad."[31] Both affected fans and civil rights agencies are critical of the FBOs because the rules can be applied without proper legal proceedings, or even the right for appeals.[32]

D.   POTENTIAL EXPLANATIONS AND HYPOTHESES

The recent terrorist attacks in Paris showed that terrorists do not necessarily have to target the grandest stages, such as the Super Bowl, to achieve their mission of attacking Western culture and receiving extensive global media coverage. The particular concert and friendly soccer match in the Paris attacks were not inherently special events

[29] R. T. Jewell, Rob Simmons, and Stefan Szymanski, "Bad for Business? The Effects of Hooliganism on English Professional Football Clubs," *Journal of Sports Economics* 15, no. 5 (2014): 429, doi:10.1177/1527002514535169.

[30] Chris Whalley, "Stadium Safety Management in England," The Official website of the English Football Association, accessed April 22, 2016, http://www.thefa.com/football-rules-governance/more/stadium-safety.

[31] Clifford Stott and Geoff Pearson, "Football Banning Orders, Proportionality, and Public Order Policing," *Howard Journal* 45, no. 3 (July 2006): 241, doi:10.1111/j.1468-2311.2006.00419.x.

[32] Stott and Pearson, "Football Banning Orders," 244.

that would warrant much in the way of national or international headlines, but now the entire world knows that the Eagles of Death Metal were playing during the attack at the Bataclan. A terrorist action at a less-fortified regular season football game could fall into the same trap as the concert hall in Paris because people in general expect the larger scale event, such as Super Bowl, to be the probable target.

The likelihood of a successful terrorist attack at a sporting event may be linked to the threat level classification provided. Major sporting events, such as the Summer Olympics and the Super Bowl, receive massive numbers of VIPs, high general attendance, and heavy media coverage, which forces planners to increase their security measures to deter an attack at these events. Such high-profile sports events receive a Special Event Assessment Rating of SEAR 1, which provides the highest level of protection and also allocates federal funding and resources under the purview of the Principle Federal Official (PFO) in the Department of Homeland Security.[33] The Super Bowl allocates massive amounts of money for the one-day sporting event. In 2014, the security "protection mission with SEAR 1 security measures at the… Super Bowl in New Jersey cost $17.7 million."[34] Currently, other NFL games are considered SEAR 4 events, which receive minimal federal funding and support, and even then only by specific request.[35] Large amounts of federal funding for SEAR 1 events make them tougher targets. Therefore, there is a potential "that terrorists will pivot to softer SEAR 4–5 event targets," which includes regular season NFL games.[36]

On one hand, the NFL has not had a terrorist attack at a single game in the post-9/11 era, which is significant considering that thousands of games and more than a decade separate the current time from the attacks on New York City and Washington, DC, in 2001. On the other hand, the NFL has been unsuccessfully targeted since 9/11, and attacks at other sporting events have been successful to terrorists by giving them a

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[33] Mario Carrillo, Jean Lumley, and Bill Lowry, "National Special Security Events (NSSE)," (presentation, Unclassified Brief involving USNORTHCOM, FBI Miami, Dolphin Stadium Security, Miami, FL, March 4, 2008), 7–9.

[34] Gehring, "Sports Venue Security," 53.

[35] Carrillo, Lumley, and Lowry, "National Special Security Events (NSSE)," 9; 41.

[36] Gehring, "Sports Venue Security," 53.

media platform to announce their views and agendas. My hypothesis is that the changes the NFL has made each year since 9/11 have made their games less vulnerable to a terrorist attack than they were before, but that is only applicable to the confines of the stadium itself, with only modest improvements having been made to the secondary perimeter around the stadium and beyond.

E.   RESEARCH DESIGN

This research has been purposefully broad in order to adequately answer this question. My research used the following terms to search for relevant material: NFL, Security, Sports Terrorism, Post 9/11 Security, Airport Security, Legal Aspects of Mass Gatherings, and Law Enforcement at Sporting Events, to name a few. Essentially, I built a foundation to demonstrate a multifaceted approach to answering this complex question. First, the NFL has not been the victim of a terrorist attack. Thus, my research must first prove, or at least demonstrate, the relative attractiveness of a terrorist organization attacking the NFL due to size of the gatherings and potential media coverage associated with the attack.

Second, I did not limit my research to NFL security because some sources group American sports security measures together, so I could miss part of the security puzzle as it applies to the NFL. Third, I limited my searches to after September 11, 2001, because many would agree the entire security enterprise has changed dramatically since those attacks on U.S. soil. Most sources, however, fall between 2008 and 2015 based on the applicability and relevance of the source to answering my question.

Fourth, because the NFL is the leader in American sports security, I looked at airport security to see what measures could beneficial for adoption by the NFL to improve the safety of its fans. Fifth, I explored what security measures are currently being used in the EPL, to determine what security measures are working in the U.K. that may be useful to the NFL. And, finally, I analyzed the terrorist attacks in Paris in 2015 and how these attacks have relevance to the security of the NFL at its regular season games.

F. THESIS OVERVIEW AND DRAFT CHAPTER OUTLINE

The second chapter looks at aviation Security in American international airports. The purpose of looking into the security realm of airports is that, much like the NFL on a game day, the institution is responsible for the security of its thousands of customers who go through the security process. This chapter examines how the airline industry has been affected by terrorist attacks such as 9/11, and how the industry has adapted major (and highly intrusive) counter-terrorism measures and yet still has remained financially viable.

The focus of the third chapter is on security plans used for EPL soccer. The reasons for looking specifically at the Premier League, as opposed to all professional soccer leagues or other sports, is to draw a useful comparison between the security calculus employed by the two largest sports leagues in the world. Additionally, the American law system is similar in many facets to the English legal system, so the security application can be compared more directly. In addition, within their common-law system, English citizens tend to embrace ideals of personal privacy akin to their American counterparts.

The fourth chapter demonstrates the NFL's cultural relevance and discusses the specific security plans used by the league. This chapter looks into the NFL's security plan, who is funding the security, how security at NFL regular season games is different from the Super Bowl or other major sporting events, and how the security is different inside the stadium versus the surrounding area. This chapter also demonstrates the perceived threat of terrorism at non-Super Bowl NFL games, and how the NFL has made alterations to its security to protect fans since 9/11 without becoming too intrusive to the point of ruining their heretofore successful financial model.

The fifth chapter deals specifically with the tailgating aspect of security at NFL games, and how there is a perceived shortfall in the procedures to protect fans in these areas. My analysis here compares and contrasts a portion of the league's teams and their tailgating policies to highlight any specific security shortfalls.

The concluding chapter compares and contrasts the differences between the NFL's security plan to that of American international airports and EPL soccer. This

chapter analyzes the various security schemes, and point out the applicability of measures employed in airports and EPL that could be useful to NFL protection.

II. AVIATION SECURITY

Following the catastrophic events on September 11, 2001, the American aviation industry made major changes to its security posture that would have rippling effects on how people travel. Shortly after 9/11 the "Transportation Security Administration (TSA)… was created in November 2011 with a charge to improve and federalize airport security at 429 commercial airports (Aviation and Transportation Security Act, 2001)."[37] The aviation industry stood up the TSA in an effort to deter and dissuade terrorists from successfully targeting airport facilities and commercial airplanes to protect both their passengers and the livelihood of the air travel enterprise. The attacks of 9/11 were not viewed as a one-time event, but rather as a wake-up call to the need for greater security. There was a perceived existential threat that "suicide bombing has become a real risk to civil aviation" in the aftermath of 9/11.[38] Measures to mitigate the threat of terrorism were important to get right the first time because the economic significance of U.S. air travel is "estimated to account for 6%–7% of the nation's GDP."[39] Security officials believed the potential for attacks at airports seemed to be more attractive than many other places "since the trend in terrorist attacks has shifted toward inflicting mass casualties."[40] Terrorists in the planning stage would have many opportunities to attack an airport or a flight when accounting for the following: "on a daily basis, thousands of carrier flights arrive, depart, or overfly the continental United States."[41] Thus, the aviation industry had to make significant changes to its security plans to prevent terrorists from exploiting its weaknesses.

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[37] Konstantina Gkritza, Debbie Niemeier, and Fred Mannering, "Airport Security Screening and Changing Passenger Satisfaction: An Exploratory Assessment," *Journal of Air Transport Management* 12, no. 5 (2006): 213, doi:10.1016/j.jairtraman.2006.03.001.

[38] Franziska Hofer and Olive E. Wetter, "Operational and Human Factors Issues of New Airport Security Technology—Two Case Studies," *Journal of Transportation Security* 5, no. 4 (September 2012): 277, doi:10.1007/s12198-012-0096-5.

[39] Joseph S. Szyliowicz, "Aviation Security: Promise or Reality?," *Studies in Conflict & Terrorism* 27, no. 1 (2004): 47, doi:10.1080/10576100490262160.

[40] Szyliowicz, "Aviation Security: Promise or Reality?," 47.

[41] United States White House Office, *National Strategy for Aviation Security*, (Washington, DC: The White House, 2007), 6, https://www.hsdl.org/?view&did=472107.

The aviation sector has taken a proactive approach to combat terrorist threats, and in doing so it can be useful to other industries in developing security approaches against such threats. This chapter will discuss the previous shortfalls in aviation security first, and then discuss the DHS aviation security strategy as it relates to specific changes in security policy, the updated workforce of the TSA, the proliferation of canine patrols, and the challenges to security moving forward. The following sections will discuss the challenges to aviation security, the debates concerning aviation security effectiveness and its high cost, and finally the merits of using whole-body scanners (WBS) in airports.

A. THE THREAT: TERRORISM, HIJACKING, AND EVERYTHING ELSE

In the past, the aviation industry had been known to be reactive in its security measures. The argument is that the aviation security posture pre-9/11 relied too heavily on "guns, guards, and gates," which gave the industry a false sense of safety against attacks.[42] In the wake of 9/11, the Federal Aviation Administration (FAA) was shown "to be a reactive agency that acted sporadically in ways designed to prevent a specific kind of attack that had been carried out in the past."[43] The problem was that the security plan was only "developed or adapted to meet each new threat only after manifestation as either a planned or actual attack" took place.[44]

In the year directly following 9/11, airport security measures changed rapidly in how passengers were screened prior to entering the secure areas of the airports. First, the "airlines instructed passengers to arrive at airports as much as two hours before takeoff for domestic flights," when in the past that type of recommendation would have been deemed unreasonable.[45] Second, "passengers were randomly selected for additional screening, including hand-searching of their carry-on bags, in the boarding area" after

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[42] Szyliowicz, "Aviation Security: Promise or Reality?," 58.

[43] Szyliowicz, "Aviation Security: Promise or Reality?," 49.

[44] Timothy Mitchener-Nissen, Kate Bowers, and Kevin Chetty, "Public Attitudes to Airport Security: The Case of Whole Body Scanners," *Security Journal* 25, no. 3 (July 2012): 229, doi:10.1057/sj.2011.20.

[45] Garrick Blalock, Vrinda Kadiyali, and Daniel H. Simon, "The Impact of Post 9/11 Airport Security Measures on the Demand for Air Travel," *The Journal of Law and Economics* 50, no. 4 (November 2007): 733, doi:10.1086/519816.

having already been screened to enter the airport's secure area.[46] Third, there were numerous restrictions placed on what items could be carried onboard commercial airplanes. Some of these restrictions made sense to keep the public safe, such as limiting items that could be used as weapons. Some changes, though, were criticized, like the restrictions placed on liquid container sizes and other "prohibitions regarding various seemingly non-dangerous items such as nail clippers."[47] These changes are not all encompassing, as there were other changes in security, such as TSA's adherence to checking each passenger's baggage and identification information more thoroughly than in the past. The changes that took place directly following 9/11 indicate that there were several obvious changes that needed to be made rapidly to prevent another major attack.

In an effort to get away from the reactive approach, the "President's Commission on Critical Infrastructure" in 2003, under George W. Bush, listed the following five elements to be explored individually and in relation to each other to devise a more encompassing security plan: "Volume"; "Limited capabilities and available space"; "Economic sensitivity"; "Security versus convenience and cost"; and lastly "Accessibility."[48] Identifying and exploring these elements was important to accurately assess how and what security measures would be needed to prevent new attacks; however, a proper balance would have to be found because "too stringent security impedes flow-through while too lax security opens up the airport to unacceptable threat risks."[49] The ultimate goal, though, was to devise a counterterrorism plan in aviation "to shape the situation so that in any scenario the outcomes from the terrorist's point of view will be unsatisfactory."[50]

A debate persisted for a few years after 9/11 regarding how much security should be reasonably expected at airports. For example, Congress saw the need in 2004 "to

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[46] Blalock, Kadiyali, and Simon, "Impact of Post 9/11 Airport Security," 733.

[47] Blalock, Kadiyali, and Simon, "Impact of Post 9/11 Airport Security," 735.

[48] Szyliowicz, "Aviation Security: Promise or Reality?," 48.

[49] Alan (Avi) Kirschenbaum, "The Cost of Airport Security: The Passenger Dilemma," *Journal of Air Transport Management* 30 (2013): 39–40, doi:10.1016/j.jairtraman.2013.05.002.

[50] Donald Stevens et al., "Near-Term Options for Improving Security at Los Angeles International Airport," (Arlington, VA: Rand Corporation, 2004), vii.

improve checkpoint screening technologies capable of detecting explosives," and tasked the TSA to make the appropriate changes.[51] Just two years earlier in 2002, though, Congress opposed and cut the funding for a proactive project to counter terrorism "called Total Information Awareness (TIA)," which was meant "to gather a variety of information about people, including financial, educational, health, and other data" to anticipate would-be terrorists based on these data and trends.[52] Essentially the forces of maintaining and introducing security procedures and equipment to prevent terrorism based on reactive measures—as opposed to proactive ones—became a norm in the aviation industry.

B. AVIATION SECURITY STRATEGY

President George W. Bush directed DHS in 2006 to create the first comprehensive aviation security strategy for the nation to build on the successful security measures post-9/11 to include the upgraded security workforce and more stringent security measures.[53] The *National Strategy for Aviation Security* was released in 2007 with the mission of "coordinating the overall national effort to enhance the protection of critical infrastructure" for airport security.[54] Some of the major changes in strategy post-9/11 identified in the 2007 Strategy are as follows: "Federal Air Marshalls who fly anonymously on commercial passenger aircraft to provide a law enforcement presence; enhanced explosives and threat detection technology deployed in hundreds of airports; airspace and air traffic management security measures; and a cadre of canine explosives detection teams screening baggage, cargo, and increasingly, carry-on items."[55] Additionally, the identification cards used by passengers are screened against a "terrorist

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[51] Bart Elias, *Changes in Airport Passenger Screening Technologies and Procedures: Frequently Asked Questions*, (Washington, DC: Congressional Research Service, Library of Congress, 2011), 1.

[52] Solove, "I've Got Nothing to Hide," 746.

[53] United States White House Office, *National Strategy for Aviation Security*, 2.

[54] United States White House Office, *National Strategy for Aviation Security*, 13.

[55] United States White House Office, *National Strategy for Aviation Security*, 5–6.

watchlist" to quickly assess whether any information is available on a given individual to indicate a known threat against the United States.[56]

1. Specific Changes in Policy and the Importance of the Air Domain

The *National Strategy for Aviation Security* called for a collective effort to prevent terrorist attacks through a shared and unified front. The report called for "Federal, State, local, and tribal governments" to work closely together "as a force multiplier against adversaries."[57] The element of funding and securitizing efforts would have to be divided as well through "cost-sharing and burden-sharing between public and private sectors."[58] The strategy called for heightened efficiency as well to "provide a high degree of protection, while minimizing the impact of the efficient flow of people and goods through the system."[59] The efforts would be divided on a case-by-case basis depending on what resources were available at each airport and municipality. The strategy also called for further security in the public areas of the airport because terrorists could attack the airport in the unsecured areas by placing "explosives near or inside passenger facilities."[60] The objective of the strategy and collective work of the private and public security and funding elements are to "protect the United States and its interests in the Air Domain"; "mitigate damage and expedite recovery"; "minimize the impact on the Aviation Transportation System and the U.S. economy"; "actively engage domestic and international partners."[61]

2. The New Aviation Workforce

Perhaps the biggest change to aviation security after 9/11 was the standing up of TSA under the Department of Homeland Security in the November 2001 with a mission of providing more professional and complete security as opposed to the former security

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[56] United States White House Office, *National Strategy for Aviation Security*, 20.

[57] United States White House Office, *National Strategy for Aviation Security*, 13.

[58] United States White House Office, *National Strategy for Aviation Security*, 15.

[59] United States White House Office, *National Strategy for Aviation Security*, 15.

[60] United States White House Office, *National Strategy for Aviation Security*, 11.

[61] United States White House Office, *National Strategy for Aviation Security*, 12.

apparatus. The American public was generally accepting of the TSA, as well as other additional security measures in the wake of 9/11, because passengers viewed terrorism as "a frightening threat" to their safety.[62] The TSA formed a "replacement of the much-criticized system of having private contractors provide passenger screening by poorly paid, badly trained, and inefficient personnel with a force of 60,000 federal workers."[63] This new massive federal workforce was in charge of implementing stricter standards of security screening through airports across the United States.

The TSA applied its "21 Layers of Security" to airports to thwart attacks, and "of these 21 layers, 15 concern preboarding security" while "the remaining six layers of security provide in-flight security."[64] Another major change made was when in 2010 the "TSA introduced whole body imaging (WBI) systems at airports around the United States."[65] This occurred after the "shoe bomber" incident in December 2001 when Richard Reid successfully brought an explosive device in his shoes aboard a flight from Paris to Miami with the intent to detonate the device during the flight.[66] Another incident was in 2009 when "Umar Farouk Abdulmutallab, attempted to ignite an explosive device concealed in his underwear while on board a Detroit-bound commercial flight."[67] Whole-body scanners and new security measures for screening were implemented to thwart terrorist attacks through more thorough screening to prevent terrorists from smuggling weapons onto planes on their persons.

The proliferation of anti-explosives canine patrols is another major change in the post-9/11 security of airports. The "TSA, in coordination with state and local law enforcement, has, in total, more than 600 explosive detection canine teams."[68] These

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[62] Mark G. Stewart and John Mueller, "Terrorism Risks and Cost-Benefit Analysis of Aviation Security," *Risk Analysis* 33, no. 5 (2013): 895, doi:10.1111/j.1539-6924.2012.01905.x.

[63] Szyliowicz, "Aviation Security: Promise or Reality?," 51.

[64] Stewart and Mueller, "Terrorism Risks and Cost-Benefit Analysis of Aviation Security," 895.

[65] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 1.

[66] "Shoe Bomber: Tale of Another Failed Terrorist Attack," CNN, last modified December 25, 2009, http://www.cnn.com/2009/CRIME/12/25/richard.reid.shoe.bomber/.

[67] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 2.

[68] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 9.

canine teams are used throughout airports across the United States to specifically detect explosive devices. Canines are primarily used in the unsecured areas of airports while "inspecting cargo and baggage and patrolling airport terminals."[69] The deterrent of these roving canine patrols is considered to be helpful to dissuading terrorists from bringing explosive devices into airports because people have realized that "the use of bomb-sniffing dogs also became commonplace" in the years following 9/11.[70] There have been some problems surrounding the use of canine patrols, though, because some individuals "have a fear of or allergies to dogs," while another major concern relates to "religious and cultural sensitivities regarding the use of dogs to search individuals."[71] These issues cannot easily be fixed since certain cultural and societal negative feelings as related to the use of canine patrols are likely to persist.

C.   CHALLENGES TO AVIATION SECURITY TODAY

There were many challenges that the aviation industry had to deal with to prevent attacks to include accounting for the international aviation standards, tracking and profiling people, balancing speed and security, and identifying all potential attack types. First, the "International Civil Aviation Organization (ICAO), with some 184 member states, has attempted to deal with the issue of security by establishing overall standards."[72] Many of these standards were "considered by experts to establish, at best, a minimum, not especially stringent, standard."[73] The problem was that "passengers arriving at a global airport may have boarded anywhere, the global aviation security system is hostage to the least secure airport."[74] Second, many travelers are uncomfortable with the notion of tracking and profiling passengers. The issue of profiling has become "highly controversial" because many believe that classifying people based on physical, cultural, ethnic, or religious grounds is unjust and "passenger profiling and behavioral

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[69] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 10.

[70] Szyliowicz, "Aviation Security: Promise or Reality?," 52.

[71] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 10.

[72] Szyliowicz, "Aviation Security: Promise or Reality?," 49.

[73] Szyliowicz, "Aviation Security: Promise or Reality?," 49.

[74] Salter, *Politics at the Airport*, 12.

detection has been discussed prominently in the mass media," which has garnered further negative response.[75] The tracking portion is achieved through the use of various identification cards for passengers to gain entrance into the secured areas of airports.[76]

The third challenge to airport security is to maintain a proper balance between protecting their customers and maintaining a relatively hassle-free screening process. The International Air Transport Association (IATA) stated that screening time standards are "'best' at one person per 15 s [seconds], 'average' about 25 s per passenger and 'worst' at 60 s per passenger."[77] Maintaining the lower end of passengers per second spectrum is important because "the security 'hassle factor' may drive would-be passengers to consider other alternatives."[78] The screening, in essence, should work such that people feel safe at airports while not having to spend excessive time in the security lines.

1.   The LAX Methodology

Fourth, and most importantly, the aviation sector must identify the many ways airports can be attacked and to provide adequate countermeasures for each method. The Rand Corporation's study of Los Angeles International Airport (LAX) demonstrates a methodology for analyzing LAX, which can generally be applied to other airports both large and small. The LAX case study identified the numerous ways terrorists can attack airports to include curbside truck and car bombs, or an attack by terrorists armed with bombs or guns in a congested area to inflict "the largest loss of life."[79] To counter the threat of car bombs, the study called for a rapid "examination of vehicles entering the airport."[80] The study calls for adding security lanes to quickly search vehicles entering the airport, while officers may "direct large vehicles to a remote lot in an attempt to

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[75] Kirschenbaum, "The Cost of Airport Security," 40.

[76] Salter, *Politics at the Airport*, 29–30.

[77] Kirschenbaum, "The Cost of Airport Security," 40–41.

[78] Birud Sindhav et al., "The Impact of Perceived Fairness on Satisfaction: Are Airport Security Measures Fair? Does It Matter?," *The Journal of Marketing Theory and Practice* 14, no. 4 (Fall 2006): 324, doi:10.2753/mtp1069-6679140406.

[79] Stevens et al., "Near-Term Options for Improving Security at Los Angeles International Airport," viii-ix.

[80] Stevens et al., "Near-Term Options for Improving Security at Los Angeles International Airport," xi.

prevent vehicles capable of carrying the largest bombs" to be anywhere near congested areas.[81] To counter the likelihood of bombings or armed attacks within the airports crowded spaces, the study called more staff at key positions to more rapidly check-in passengers that can "reduce the density of people within the terminals."[82]

The LAX study showed that in some cases "increasing the number of personnel checking-in passengers by 5 percent we can reduce the density of people in the lobbies and on the curb by 75 percent and the potential fatalities to luggage bombs by 80 percent."[83] The lessons from the LAX case study show that the most important countermeasures are to reduce the crowd density on a case-by-case basis to limit a mass gathering of people as possible, and analyze weaknesses to attacks and implement effective counter measures.

2.   The Debate about Aviation Security Effectiveness

The security posture implemented in the aviation sector is typically believed to create more safety to the industry on a whole, but there is an argument that the additional measures have in some ways been counterproductive. For instance, since 9/11 "terrorist groups continue to try to attack harder targets with different modes of attack, including with suicide bombers."[84] Additional security measures have prompted terrorists to try to find different ways to make successful attacks, and the measures have perhaps even made airports a more attractive target because attacking a hardened target shows both resolve and will on the terrorists' part. It can be argued that hardening a target "actually increases the expected value of attacking a target… even if the attack is more likely to fail" because the attack will garner greater media coverage while displaying that no sites or security

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[81] Stevens et al., "Near-Term Options for Improving Security at Los Angeles International Airport," 28.

[82] Stevens et al., "Near-Term Options for Improving Security at Los Angeles International Airport," 27.

[83] Stevens et al., "Near-Term Options for Improving Security at Los Angeles International Airport," 32.

[84] Justin V. Hastings and Ryan J. Chan, "Target Hardening and Terrorist Signaling: The Case of Aviation Security," *Terrorism and Political Violence* 25, no. 5 (November 2013): 777.

measures will interrupt the intended chaos of a given terrorist organization.[85] If the purpose of that terrorist attack is to demonstrate that no one should feel safe, then attacking hardened targets will underscore that message.

Another argument for why terrorist groups may continue to attempt attacks is because each attempt will produce greater security measures, which will cost the U.S. government a tremendous amount of money. To display how costly aviation security increases were following the attacks of 9/11, in "FY [Fiscal Year] 2004, the TSA is requesting a total of about $5 billion, $1.8 billion of which is allocated to passenger screening."[86] Each unsuccessful attack since then has created new measures of security and manning requirements that has increased the relative annual budget to secure American airports. Therefore, terrorist groups can benefit just by a threat of attack and induce costly defensive security measures, which can be argued to be more valuable than "a plot to kill people would."[87]

D.   THE PASSENGER EXPERIENCE

One of the most significant changes to aviation security since 9/11 has been the employment of whole-body scanners, otherwise known as Advanced Imagining Technology (AIT), to phase out conventional walk-through metal detectors at airports throughout the United States. The new machines use "X-ray backscatter" or "millimeter wave imaging" to detect any weapons or contraband on the person passing into the secured areas of a given airport.[88]

While the new technologically superior WBS machines have almost completely phased out the former conventional machines, there are several issues surrounding their usage including WBS functionality, passenger acceptance, cultural complaints, legal considerations, operator biases, and health concerns. Beyond the previously listed issues, the machines are extremely expensive. From 2008–2009 alone, more than $500 million

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[85] Hastings and Chan, "Target Hardening and Terrorist Signaling," 778.

[86] Szyliowicz, "Aviation Security: Promise or Reality?," 52.

[87] Hastings and Chan, "Target Hardening and Terrorist Signaling," 790.

[88] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 2.

dollars was spent in the United States to purchase WBS machines for its airports.[89] Another issue is that these machines are massive and "require two to three times the floor space" as compared to the machines they have replaced.[90] Thus, airports have been forced to balance this WBS security measure against cost and space considerations.

1. Whole Body Scanning Usefulness

The first question surrounding WBS technologies is what do these machines detect and how well do they work? Whole-body scanners are used to identify "metallic and non-metallic objects, plastic and liquid explosives, flora, fauna, drugs, and cash, concealed within or beneath the clothing of passengers" as they pass through the machines into the secured area of airports.[91] The division for airport security is confident that WBS/AIT machines are adequate in thoroughly screening passengers: "TSA generally regards AIT as an effective solution for detecting concealed threats carried by passengers."[92] Additionally, all "approved AIT systems in use at airports have met TSA's operational requirements for threat detection."[93]

There is an argument to be made that some items could conceivably go undetected in passing through WBS systems, though. Some security experts believed that "even if exposure were to be increased significantly, normal anatomy would make a dangerous amount of plastic explosives with tapered edges difficult if not impossible to detect" on people wishing to conceal such devices.[94] At the time of this writing there have been no reported cases of plastic explosives going undetected into the secured area of airports to be used for an attack in the airport or on a flight.

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[89] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 2.

[90] Salter, *Politics at the Airport*, 13.

[91] Timothy Mitchener-Nissen, "Addressing Social Resistance in Emerging Security Technologies," *Frontiers in Human Neuroscience* 7 (August 2013): 2, doi:10.3389/fnhum.2013.00483.

[92] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 3.

[93] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 3.

[94] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 4.

2. Passenger Acceptance of Whole Body Scanning Technologies

The second question revolving around the proliferation of WBS technologies is how well will the public accept these security systems? The hassle of passing through WBS systems is that "passengers are typically instructed to remove all metallic items, including cell phones, keys, coins, and sometimes even jewelry and belts with metal buckles" and they are "required to remove their shoes."[95] Since all passengers have to take everything out of their pockets and take off their shoes, screening is often perceived as burdensome, and lines can back up significantly depending on how fast each individual in the line is at preparing to go through the machine.

Another concern for the individual is that "whole body scanners have been accused of conducting digital strip-searches" because the sensitivity required to display abnormalities such as hidden weapons also reveals the physical outline of the individual underneath the clothing to a high level of detail.[96] Following the widespread implementation of WBS technologies across the United States, enough passengers have complained about the amount of detail the machines showed about their physical characteristics that the machines' detecting abilities have been decreased. The specific measures that were altered are that WBS machines now "blur facial features," and the TSA "views the images in an enclosed space" that only displays a "chalk outline" of the passenger to detect abnormalities.[97]

3. Legal and Cultural Concerns of WBS Technologies in Aviation

The legal considerations about WBS screening have been another concern revolving around the introduction of the new technologies. The primary legal question was whether or not the screening process at airports in using WBS technologies is contradictory to the Fourth Amendment of the U.S. Constitution relating to the unreasonable searches and seizures. This issue has not yet been ruled on in the Supreme Court, but the "9th Circuit Court of Appeals ruled that airport searches of passengers are

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[95] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 4.

[96] Mitchener-Nissen, "Addressing Social Resistance in Emerging Security Technologies," 2.

[97] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 6.

reasonable and do not require consent" since the search is "known as an administrative search" and not covered under Fourth Amendment.[98] The argument of the court is that passengers after 9/11 were willfully accepting the search process by deciding to pass through the security lines at an airport, and also that the protection of all people at an airport outweighs the inconvenience caused to the individual in being digitally searched. Therefore, "the courts have ruled that passenger airport screening is a reasonable cost that Americans must pay to prevent death, injury and property damage from terrorist attacks."[99]

Whole-body scanners were also argued to be in violation of legal protections in the United States for religious and cultural practices. Because the new scanning technologies do not allow exceptions for what type of dress people wear through the detectors, such as when "certain religions and cultures sometimes require individuals to wear head coverings in public," some groups believe the TSA is singling them out.[100] For this reason, the scanners are considered by some to "violate the Religious Freedom Restoration Act, which bars the government from placing substantial burden on a person's exercise of religion."[101]

Additionally, the TSA operators who use WBS technologies for safeguarding the airports have the task of analyzing the people and items that transit into the secured areas of airports, which introduces the element of human error in effectively using the machines. Therefore, WBS "devices do not work on their own but in a context where human operators determine vast parts of operations, any 'neutrality' will fail to be delivered if the human operators do not relinquish their own 'risk profiling.'"[102]

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[98] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 6.

[99] Thomas W. Dillon and Daphyne S. Thomas, "Airport Body Scanning: Will the American Public Finally Accept?," *Journal of Transportation Security* 8, no. 1–2 (November 2014): 2.

[100] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 7.

[101] Dillon and Thomas, "Airport Body Scanning," 3.

[102] Govert Valkenburg and Irma Van der Ploeg, "Materialities between Security and Privacy: A Constructivist Account of Airport Security Scanners," *Security Dialogue* 46, no. 4 (July 2015): 339, doi:10.1177/0967010615577855.

4.   **Passenger X-Ray Exposure Health Concerns**

The use of X-ray machines has created a potential health concern for all airline passengers. The technology is argued to provide "some X-ray photons" that "still penetrate the subject's body delivering a radiation dose" that could create health-related issues.[103] A study conducted by "faculty members from the University of California, San Francisco" claims that X-ray backscatter is dangerous because it is "concentrated only on the skin and underlying tissue, such that 'the dose to the skin may be dangerously high'" for anyone subjected to the technology.[104]

There is a debate as to whether or not the x-ray backscatter is inherently unsafe to passengers. The "TSA contends that the levels of ionizing radiation emitted by approved X-ray backscatter systems are well below levels considered safe for human exposure" and that the amount of x-ray exposure to passengers is the same amount received during "two minutes flying at altitude aboard a commercial airliner."[105] The TSA is not alone in discounting the radiation levels passed to participants of WBS technologies though as the "Food and Drug Administration's Center for Devices and Radiological Heath, the National Institute of Standards and Technology, and the Johns Hopkins University Applied Physics Laboratory" have also approved these systems by claiming the x-ray exposures to use is negligible.[106]

5.   **Pat-Down Screening versus WBS Technologies**

Passengers that opt out of screening via the use of WBS systems can choose the pat-down method instead to access the secured areas of airports. Since 9/11, the pat-down method has become more intrusive because the procedure has changed from TSA agents "only using the back of their hands while inspecting sensitive areas" to "using the front of the hand" during inspections to include the areas "higher on the thigh and in the groin

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[103] Mitchener-Nissen, Bowers, and Chetty, "Public Attitudes to Airport Security," 231.

[104] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 7–8.

[105] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 7.

[106] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 7.

area."[107] This new pat-down method has created further negative response from passengers for the screening process at airports.

Specifically, TSA has received negative publicity for "singling out female passengers" for pat-downs; however, TSA has created further training for its agents to standardize the pat-down method to eliminate excessive passenger complaints and concerns.[108] Most passengers prefer using WBS systems though as there is a "high public acceptance of body scanners (>90 per cent) and a strong preference for them over pat-downs (>80 per cent) with scanners perceived as less intrusive than pat-downs and a quicker option."[109] Additionally, the "AIT screening is much quicker and more efficient than a pat-down search" that saves time for both passengers and security personnel alike.[110]

E.   CONCLUSION

The American aviation sector has made multiple changes to its security procedures since 9/11. Most of these changes occurred within five years of the attacks. As a result of the changes—such as the numerous limitations placed on what could be carried on passengers or in their baggage, additional canine patrols, the start of TSA, unified security standards for the industry, and WBS scanning technologies—American airports and planes have not been the victim of successful large-scale attacks since 2001. The only attacks that have been successfully executed on U.S. soil since 9/11, such as the shooting attacks at LAX in 2002 and 2013, are considered small scale in that they resulted in very few—only a total of four—deaths.

The threat to the industry does persist, though. The 2016 attacks in Brussels and Istanbul international airports demonstrates that even the relatively secure pre-security areas of airports can be successfully targeted by terrorists wishing to kill as many people

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[107] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 5.

[108] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 5.

[109] Mitchener-Nissen, Bowers, and Chetty, "Public Attitudes to Airport Security," 229.

[110] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 4.

as possible. While no notable changes to America's international airports have been revealed publically in the wake of these attacks, it is highly likely that American aviation security decision makers will analyze the attacks in Europe to ensure that no similar type of attacks happen on U.S. soil.

The changes to American aviation security can be useful in our analysis of the overall thesis question of whether the NFL is adequately protected from terrorist attacks. The aviation sector has introduced a central security team, the TSA, to perform and carry out security measures in airports across the country. Would it be helpful for the NFL to also have a similar professional security team to protect its games? Such a centralized and professional security force could be better able to thwart terrorism efforts through its training protocols. Another factor is aviation's use of WBS technologies to screen passengers entering the secured areas of airports. Would using WBS technologies to screen NFL fans entering the stadiums be beneficial and make the area more secure? Clearly, WBS is superior to the use of conventional metal detectors, like those used at NFL games, but the space limitations at stadiums may prohibit NFL franchises from using this technology.

III.   ENGLISH PREMIER LEAGUE

The English professional soccer league system is divided into four divisions, the highest level of which is called the English Premier League. The EPL has become the second largest professional sports league in the world in terms of net worth after the National Football League.[111] The growth of the EPL since its inception has been astronomical; its "annual revenues multiplied by around 12 times from 1991 to 2009."[112]

The success of the EPL was not guaranteed following a rough spell in the 1980s that was marked by both large-scale accidents and hooliganism. The league survived this period to become the most successful professional soccer league in the world by making changes to promote fan safety and security at matches while building club rosters to ensure high-quality play. As a result of the changes since the mid-1980s, the EPL was able to land a massive deal with Sky television that enhanced the popularity of the sport.[113] Consequently, the EPL had a "built-in media interest in working to promote the positive image of English football"—to include securing fans and facilities.[114] After years of security success at matches, the EPL in the 2015 season boasted an average of 30,000+ fans per match for 13 of its 20 clubs, and nine of those clubs had at least 500,000 fans attend home games that year.[115]

When comparing the EPL to the NFL, it is important to consider that different "counter-terrorist strategies hold substantively different meanings across different nationalities."[116] Nonetheless, some of the EPL's protective measures could be applied to

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[111] Kottasova, "English Soccer Is Now World's 2nd Richest Sport."

[112] Richard Giulianotti, "Sport Mega Events, Urban Football Carnivals and Securitised Commodification: The Case of the English Premier League," *Urban Studies* 48, no. 15 (November 2011): 3302, doi:10.1177/0042098011422395.

[113] Richard Giulianotti, "Social and Legal Factors in the Decline of English Football Hooliganism," *International Centre for Sport Security* 1, no. 3 (September 2013): 36.

[114] Giulianotti, "Social and Legal Factors," 36.

[115] "Premier League Home Attendances 2015/2016," Soccerstats.com, accessed April 21, 2016, www.soccerstats.com/attendance.asp?league=england.

[116] Pete Fussey and Jon Coaffee, "Balancing Local and Global Security Leitmotifs: Counter-Terrorism and the Spectacle of Sporting Mega-Events," *International Review for the Sociology of Sport* 47, no. 3 (2012): 270, doi:10.1177/1012690211433451.

NFL stadiums. In this chapter I will demonstrate how the EPL survived the hard years to become one of the most powerful sporting leagues in the world through reforms to prevent violence at matches, as well as a strict adherence to safety in general.

The first section discusses the similarities that hooliganism has to terrorism and the subsequent need to mitigate this threat, highlighting specific accidents in the 1980s that led to soccer security reforms. The following section explains all aspects relating to the league's security strategy to include examining all relevant safety and security manuals, describing the various security roles and their relationships among each other, describing how intelligence and security measures are used to protect fans, outlining the various Football Banning Orders to keep hooligans out of soccer stadiums, and describing the various fan screening procedures. Next, I describe the challenges facing the league today by demonstrating that terrorist threats to the EPL and the U.K. are real, as indicated by the 2005 London bombings and the 2015 Paris attacks. The subsequent section analyzes the fans' experience in attending EPL soccer matches, and how their experience is affected by the league's overall security scheme. The final section concludes with my findings and analysis.

A.   THE THREAT: HOOLIGANISM

Many of the EPL's reforms have been established since the 1980s to reduce the threat of hooligan violence at matches. Hooliganism previously had devastating consequences on the fan turnout in English soccer and was "blamed for declining attendance at English football from the 1960s to the mid-1980s."[117] The problem initially was that typical soccer fans would not attend matches because of their belief "that attending the game is not safe."[118]

Major incidents in Great Britain and abroad seared the perception of soccer attendance as dangerous into the popular imagination. First, at a game abroad in Heysel Stadium, Liverpool English hooligans attacked Italian fans during the "Liverpool-Juventus European Cup final in Brussels in 1985, where 39 fans of the Italian club were

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[117] Jewell, Simmons, and Szymanski, "Bad for Business," 430.

[118] Jewell, Simmons, and Szymanski, "Bad for Business," 435.

killed due to crowd-crushing, after seeking to escape attacks by English supporters."[119] The result was devastating, embarrassing, and crippling to the reputation of English soccer. Additionally, the attack in Brussels at Heysel Stadium caused English soccer to be banned from participating in future playoff competitions for five years.[120]

The Bradford City stadium fire in 1985 started when a "cigarette or match fell through the boards into the void underneath the stand and set fire to a large amount of rubbish," which spread rapidly and killed 56 fans at the match.[121] This disaster demonstrated the inadequacy of safety training for the stewarding staff, otherwise known as security staff; the stewards left their turnstiles and exits "locked and unmanned," which contributed to a large number of the deaths.[122] Along with the Heysel Stadium incident, the Bradford Stadium fire contributed to declining numbers of fans attending matches, and the league suffered from its worst-ever attendance rates.[123]

Then during "the Hillsborough disaster of 1989… 96 fans were crushed to death" because the police at the game were unable to control the crowd's surge.[124] This accident occurred shortly after kick-off between Liverpool and Nottingham Forest, when "an exit gate was opened to relieve a large crush that had developed outside the turnstiles at one end of the stadium."[125] The problem became dangerous when too many fans filtered into a small area, which was "compartmentalized by radial barriers on either side and by a steel perimeter fence at the front."[126] Fans were unable to escape once trapped because "the barriers and the perimeter fence prevented any sideways or forward movement to

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[119] Giulianotti, "Social and Legal Factors," 33.

[120] Giulianotti, "Sport Mega Events, Urban Football Carnivals" 3297.

[121] Whalley, "Stadium Safety Management in England."

[122] Whalley, "Stadium Safety Management in England."

[123] "Summary of Measures Taken to Prevent Football Violence," The Official website of the English Football Association, last modified June 2012, http://www.thefa.com/football-rules-governance/more/stadium-safety.

[124] Jewell, Simmons, and Szymanski, "Bad for Business," 433.

[125] Whalley, "Stadium Safety Management in England."

[126] Whalley, "Stadium Safety Management in England."

escape the crush," which resulted in the massive death toll from a combination of both crowd-crushing and asphyxiation.[127]

In the face of these three disasters, professional soccer managers in England undertook to provide more training for their staff to control the movement of people and to design stadiums that can rapidly exit their fans without the inherent risk of crowd crushing. Additional measures were enacted to prevent hooliganism at matches. The measures to prevent hooliganism and loss of life at matches—better staff training, Football Banning Orders (FBOs), and better safety features in stadium designs—also lowered the likelihood of terrorism because they were all tailored to prevent violence at matches through a strict adherence to safety and security. By end of the 1980s, English soccer began making dramatic changes to provide adequate safety and security to its fans that safeguarded the league from crumbling under its own security inadequacies.

Some scholars have made the argument that hooligan tactics and violence were similar to those of terrorists, such as in the following example: "hooligans are 'no different from terrorists', because they 'carry participation to its tragic limit, while at the same time daring the State to respond with violence, to liquidate them.'"[128]

The British government took the hooligan threat seriously, undertaking "proactive measures to use legislation, doctrine, and technology to prevent and combat it as it would for any other form of terrorism."[129] The U.K. intelligence community also considered hooliganism to be a major threat. As a result, the National Criminal Intelligence Service was created in 1992 to gather information on hooligans to prevent them from entering games.[130]

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[127] Whalley, "Stadium Safety Management in England."

[128] Richard Giulianotti and Francisco Klauser, "Sport Mega-Events and 'Terrorism': A Critical Analysis," *International Review for the Sociology of Sport* 47, no. 3 (June 2012): 315, doi:10.1177/1012690211433454.

[129] Gehring, "Sports Venue Security," 25.

[130] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3301.

B.   EPL SECURITY STRATEGY

The EPL's Security Strategy incorporates elements to protect fans from hooligans, terrorists, or accidents that could cause loss of life or injuries at games. In this section, I discuss these elements of the EPL's Security Strategy in the use of various security doctrines, security personnel, intelligence agencies, security technologies, and fan screening.

1.   Safety and Security Manuals Used by the EPL

The EPL has altered its safety and security by applying the methods of the *Guide to Safety at Sports Grounds* manual (commonly referred to as the *Green Guide*) published by the Department for Culture, Media and Sport (DCMS) and the *Counter Terrorism Protective Security Advice for Stadia and Arenas* guide produced by the British National Counter Terrorism Security Office (NaCTSO) provides teams with minimum security procedures and guidance. These manuals outline how the league should "prepare and plan in order to effectively respond and recover from potential incidents during sporting events."[131]

The *Green Guide* outlines various safety regulations that new stadiums must adhere to, and that older stadiums must—and have been—retrofitted to, with the following subsections defining the exact specifications to be considered: "The entry capacity of the section"; "The holding capacity of the section"; "The exit capacity of the section"; "The emergency evacuation capacity"; "The final capacity."[132] The safety alterations for all stadiums have been completely implemented. In fact, "Since 1990, of the 20 largest English stadia, eight were newly built in 1995 or afterwards and the others underwent major redevelopment."[133] The distance for fans to reach the nearest exits was also regulated as "the maximum travel distance for seated spectators is 30m from the seat

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[131] Stacey Hall, "Sport Security Training: Preparing the Best for the Worst," *International Centre for Sport Security* 1, no. 3 (September 2013): 60.

[132] *Guide to Safety at Sports Grounds*, (London, England: Department for Culture, Media and Sport, 2008), accessed April 22, 2016, 17, http://www.safetyatsportsgrounds.org.uk/sites/default/files/publications/green-guide.pdf.

[133] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3302.

to the nearest exit," while the "emergency evacuation time varies between two and half minutes and eight minutes, according to the level of fire risk."[134] The reduced distances to reach the nearest exit have helped to lessen the threat of a stampede of fans rushing to exits in emergency situations, such as during a terrorist attack, which can cause crushing and trampling situations.

The NaCTSO manual is used to prevent terrorism at matches, and it is specifically "aimed at those stadia and arenas that are seeking to reduce the risk of a terrorist attack, or limit the damage terrorism might cause."[135] The DCMS manual on the other hand "has become the safety 'bible' in the [U.K.], setting out guidance on all aspects of stadium safety."[136] Both manuals provide guidance to club managers for the safety and security of fans at matches, but neither manual had to be adopted for use legally by the league. Nonetheless, each manual has been adopted for use by all clubs within the EPL, and the requirements therein are strictly adhered to. The *Green Guide* does, however, correspond with U.K. legal requirements under the Safety of Sports Grounds Act of 1975 and the Fire Safety and Safety of Places of Sport Act of 1987.[137] Both manuals provide certain thresholds regarding staff training necessary to curtail terrorist attacks, as well as the physical characteristics necessary in stadium design considerations to limit death and injuries to fans and staff.

To mitigate the effects of car-bomb attacks, NaCTSO advises the EPL stadium managers to have barriers placed around the stadium to "keep non-essential vehicles at least 30 metres from your building."[138] To reduce the number of vehicles travelling within close vicinity of the stadium "a number of local roads around the perimeter of the

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[134] *Guide to Safety at Sports Grounds*, 144.

[135] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, (London, England: National Counter Terrorism Security Office, 2006), 3, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375168/Stadia_and_Arenas_Reviewed.pdf.

[136] Whalley, "Stadium Safety Management in England."

[137] *Guide to Safety at Sports Grounds*, 12.

[138] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 12.

Stadium are closed two hours before kick off."[139] Screening procedures of persons, to include pat-downs and metal wanding, are used to prevent bombs from entering the stadium.

2.   Club Managers Are in Charge of Overall Safety and Security

The responsibility for safety and security at EPL matches falls directly to the management for individual clubs. Regardless of the situation, whether an attack, an accident, or a natural disaster occurs at an event, the "responsibility for the safety of spectators lies at all times with the ground management," which is "either the owner or lessee of the ground, who may not necessarily be the promoter of the event."[140] As a result, the club managers were tasked with creating specific plans for the security of fans and to promote safety at soccer games.

Club managers use the security manuals to assess and execute the following elements to achieve proper security at games: "risk communication protocol"; "mutual-aid agreements"; "coordination with other organisations to provide mass care"; "mass evacuation and traffic-control coordination"; and "conversion of the sport facility to a shelter facility in a time of crisis."[141] Clubs in the EPL have taken their responsibility for fan safety seriously by not only adhering to the *Green Guide* and NaCTSO's Counter Terrorism manual, but also by providing the "necessary resources to recruit and train event staff and security forces to understand their roles and responsibilities in response to all-hazard incidents."[142]

3.   EPL Safety and Security Chain of Command

The EPL has set clearly defined roles for members of its security team, whereby the team's safety officer is overall in charge of security and receives threat assessments from the intelligence officer. Depending on the threat assessment's findings, the team's

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[139] "Stadium: General Queries," Arsenal.com, last modified 2016, http://www.arsenal.com/news/emirates-stadium-news/emirates-stadium-general-queries.

[140] *Guide to Safety at Sports Grounds*, 13.

[141] Hall, "Sport Security Training," 66.

[142] Hall, "Sport Security Training," 60.

safety officer will then assign the proper number of stewards to monitor and respond to safety issues as defined by the safety officer and the security plan. The stewards, or stewarding staff, at EPL games are the professional security staff hired by individual teams. The safety and security of fans at matches is predicated on having a clear and well thought-out chain of command that is headed by the safety officer for each club. The safety officer before each match is responsible for "the implementation of protective security measures following a vulnerability and risk assessment."[143] To prepare adequately for games, the safety officer creates pre-planned responses to attacks or accidents.[144] Additionally, the safety officer ensures that all staff members are properly trained and understand their specific responsibilities and actions in response to different threats.[145] The high burden of responsibility placed on the safety officer made it necessary to have a deputy to help manage safety at EPL matches, and the deputy must have "sufficient training, experience, and knowledge" to properly assist the safety officer.[146]

The safety officer will make efforts to decrease the likelihood of attacks through proper security manning. Security measures by "football clubs and the police have focused on prevention, primarily through the segregation of fans, increased surveillance, and heavy policing," which have helped to prevent major incidents since the 1980s.[147] The safety officer of individual teams often works closely with public law enforcement entities in devising specific plans for the associated stadium. The safety officer can rely on local police and public intelligence agencies "for independent and impartial counter terrorism advice and guidance that is site specific," and he will have direct access to "the local police Counter Terrorism Security Advisor (CTSA)."[148]

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[143] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 9.

[144] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 10.

[145] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 10.

[146] *Guide to Safety at Sports Grounds*, 30.

[147] Jewell, Simmons, and Szymanski, "Bad for Business," 432.

[148] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 9.

Soccer clubs in the EPL also utilize internal intelligence teams to help assess the threat of terrorism or hooliganism at matches, and they report all relevant findings to the safety officer. The majority of teams "have a full-time Football Intelligence Officer dedicated to them who has the role to 'direct, collate, evaluate, analyse and disseminate intelligence.'"[149]

The largest faction of security personnel at matches is the stewarding staff, typically with "one [steward] per 100 of the anticipated attendance," and the stewards are responsible to monitor the crowd, remain highly visible to answer questions and address safety concerns, exercise their actions learned through training in specific emergency situations, and maintain the proper qualifications as defined by the *Green Guide*.[150] The number of stewards varies between roughly 100–1,000 per match depending on the scope of the match, the size of the crowd, and the current threat assessment.[151] Fans are told to report any suspicious or violent activity to the stewards at games, which helps to provide a feeling of safety and security to the spectators.[152]

a. *Individual Clubs Tailor their Own Safety and Security Measures*

Individual clubs are responsible for the safety and security of their fans, so each club can go above and beyond the guidelines set in the *Green Guide* and NaCTSO's *Counter Terrorism Protective Security Advice for Stadia and Arenas*. Because each club has different stadium configurations and attendances at its matches, "the Board of Directors of every football club is therefore ultimately responsible for all safety matters and it would be considered good practice for each football club to have a director with responsibility for stadium safety."[153]

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[149] Niall Hamilton-Smith and Matt Hopkins, "The Transfer of English Legislation to the Scottish Context: Lessons from the Implementation of the Football Banning Order in Scotland," *Criminology and Criminal Justice* 13, no. 3 (2012): 290, doi:10.1177/1748895812447083.

[150] *Guide to Safety at Sports Grounds*, 31; 42.

[151] Whalley, "Stadium Safety Management in England."

[152] "Barclays Premier League Fans: Attending a Match," Barclays Premier League Official Website, last modified September 1, 2015, http://www.premierleague.com/content/premierleague/en-gb/fans/attending-a-match.html.

[153] "Stadium Safety in the National League System," The Football Association, 2014, 9, accessed date August 23, 2016, http://www.thefa.com/football-rules-governance/more/stadium-safety.

Manchester United—which has the largest stadium and the highest average attendance per match of any EPL club—has taken extra precautions to protect its fans at matches. Manchester United's management decided to purchase "an industrial estate next to its Old Trafford stadium because of fears of a terrorist attack" to create a buffer zone from a potential attack emanating from outside.[154] The club's management believed an attack against Manchester United is relatively likely due to its prominence in the league and the team's huge attendance rates, so it acquired the adjacent property to serve as a buffer zone to reduce the likelihood of an attack by "Al Qaeda or whoever launching mortar rockets into the stadium when there are 77,000 fans in there."[155] This effort by Manchester United to reduce a specific terrorist threat demonstrates how the league's most prominent club is investing to protect its fans, while maintaining the highest attendance numbers per match.

b.   *Management Defines Police Role at Matches*

While management is solely responsible for the security of fans at matches, there is an important private/public partnership that clubs must exercise to best alleviate seams that terrorists or hooligans can exploit. Individual teams are tasked to create a "regular liaison with the local authority and the police and emergency services" to protect their fans.[156] As mandated by law, managers must pay for public agency services at matches, and those services are only provided "at the invitation of the host club."[157] Individual clubs enjoy greater levels of safety and security at events by employing various public entities, such as police and fire services. Additionally, public entities can provide further insight to managers in protecting fans during certain situations while maintaining "reasonable safety standards."[158]

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[154] Patrick Clift, "Man Utd Shoots for Shed Site amid Terrorist Fears," *The Estates Gazette*, March 8, 2008, 41.

[155] Clift, "Man Utd Shoots for Shed Site," 41.

[156] "Stadium Safety in the National League System," 7.

[157] "Summary of Measures Taken to Prevent Football Violence."

[158] *Guide to Safety at Sports Grounds*, 25.

Despite having the ultimate authority to enforce law in society, in soccer stadiums the role of police is subservient to team managers and the safety officer. The various public entities invited to attend matches can make specific recommendations to management on how to secure matches, but "it is up to the owner or lessee of the stadium to seek out and act upon that advice."[159]

The reasons for this situation have as much to do with public relations as with security. The use of police at matches has received some negative criticism due to the perceived unfair and unjust treatment of fans. The problem is that the number of police officers present at times has been greater than the need, which can cause issues specifically when the police face a "high-profile in low-risk scenarios" at games.[160] For example, in 2009 "four Sunderland fans received hospital treatment for injuries (including serious head wounds) caused by police batons and dogs during a confrontation at Newcastle station."[161] During this event, "the police claimed that they were preventing pre-arranged violence between 'risk' Sunderland and Newcastle fans—a claim vigorously disputed by the Sunderland supporters."[162]

Club managers will use events like these as learning tools to further analyze and organize the roles and responsibilities of police at matches to ensure this type of event does not become a regular occurrence and in effort to maintain the league's good standing regarding safety and security at games.

4.   Security Measures and Intelligence

Security at matches now incorporates the use of closed circuit television (CCTV) systems, which have helped security teams to simultaneously watch all fans and areas within and surrounding the stadium from their control rooms. The use of CCTV, and FBOs for that matter, have made it easier for the security team to rapidly "identify those engaged in disorderly behavior, while changes in the law made it easier to exclude known

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[159] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 3.

[160] Clifford Stott and Geoff Pearson, "Football 'Hooliganism', Policing and the War on the 'English Disease,'" *Crime Media Culture* 4, no. 2 (August 2008): 291, doi: 10.1177/1741659008097300.

[161] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3306.

[162] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3306.

perpetrators from stadiums."[163] Security officials "in addition to [using] CCTV systems," can monitor fans by employing "camera-equipped police van[s]" and plain clothed police officers to watch for hooligans.[164] Additionally, the league uses several FBOs to prohibit hooligans from attending matches.

From the control room during EPL games, the safety officer can monitor all CCTV cameras and security communications throughout the stadium.[165] Also stationed in the control rooms during games are some police officers, fire fighters, and screen monitors to help assist the safety officer in responding the different threats or accidents.[166] The security and intelligence measures used at EPL matches help to mitigate the threat of attacks because the entire inside and outside of the stadium is being monitored in real time, and the effective command and control scheme used helps the security team to rapidly respond to emergencies.

a. *Football Banning Orders*

The FBOs have been hugely successful in limiting the number of violent offenses due to hooliganism. Since the beginning of FBOs in the mid-1980s, studies have demonstrated a "clear association between this increasing number of FBOs and the decreasing number of serious incidents of 'hooliganism.'"[167] The first of many acts was the Public Order Act of 1986, which was used in "preventing convicted fans from attending specific games in England and Wales."[168] This act reduced the likelihood of hooligans from becoming repeat offenders, because it became difficult for them to access tickets and attend matches.

Next was the Football Spectators Act of 1989, which limited the ability for convicted fans to travel abroad while their team plays overseas.[169] This act limited the

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[163] Jewell, Simmons, and Szymanski, "Bad for Business," 430.

[164] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3301.

[165] *Guide to Safety at Sports Grounds*, 156.

[166] Whalley, "Stadium Safety Management in England."

[167] Stott and Pearson, "Football Banning Orders," 243.

[168] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3300.

[169] Giulianotti, "Social and Legal Factors," 33.

likelihood of another Heysel Stadium-like disaster by allowing "the courts to ban fans from a stadium and to require an individual to surrender his passport if suspected of being a hooligan likely to travel to a game being played overseas."[170]

The subsequent FBO was the Criminal Justice and Public Order Act of 1994, which allowed for police officers more legal flexibility to stop and search fans.[171] This act lowered the legal threshold for police to search fans attending a soccer match, which helped to further reduce the probability that fans could bring weapons or contraband to games undetected. Another act that created more legal leeway to prevent hooligans from attending matches was the Football (Disorder) Act of 2000, "which allowed for the imposition of FBOs in the absence of a criminal conviction."[172] This law provided more legal flexibility to the police and courts in preventing specific fans from entering stadiums.

Finally, the Violent Crime Reduction Act of 2006 allowed for police to act in a more proactive manner to curtail potential "alcohol-related offences," while also allowing the EPL to maintain FBOs on fans indefinitely.[173] This act allowed for FBOs to remain in place for specific fans indefinitely, which meant that certain fans would not be allowed to attend EPL matches at home or abroad.

The introduction of the various FBOs met some criticisms from various people and organizations, as some are against the notion of the FBOs' "pragmatic justification of 'the end justifies the means.'"[174] The power vested in the various FBOs has been argued to be unjust because not only are the police allowed more leeway at matches to search fans without cause, but courts are allowed to prevent fans from travelling out of the country during soccer matches. In some cases, the exercises of the various FBOs "were widely criticized as disproportionate."[175] The primary argument for the disproportionality

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[170] Jewell, Simmons, and Szymanski, "Bad for Business," 432.

[171] Giulianotti, "Social and Legal Factors," 33.

[172] Stott and Pearson, "Football Banning Orders," 241.

[173] Giulianotti, "Social and Legal Factors," 34.

[174] Stott and Pearson, "Football Banning Orders," 244.

[175] Hamilton-Smith and Hopkins, "Transfer of English Legislation to the Scottish Context," 282.

of fan sentencing was that "the police *did not have sufficient evidence* to secure a criminal conviction."[176]

The Football Spectators Act of 1989 has been directly criticized for preventing certain fans from travelling during matches, which are "potential breaches of Articles 5 and 6 of the European Convention on Human Rights, and the EC Treaty."[177] Nonetheless, the EPL believes the various FBOs have created a safer atmosphere at matches, and the league still enjoys remarkably high attendance rates for its 20 clubs.

b.   *Stadium Entrance Procedures*

The entry procedures for fans at EPL matches are flexible based on the perceived threat level in pregame intelligence analysis, the size of the crowd, and the magnitude of the match. Typically, the turnstiles at games open approximately 90 minutes prior to the game's start, which allows an adequate amount of time for staff to properly search fans entering the stadium.[178] Fans are filtered through the security lines and patted-down and scanned using a metal wand prior to reaching the inside of the stadium. Fans that opt out of the pat-down and wanding procedure are denied game admission by members of management and the security staff.[179] In cases where there is a need for heightened security at a match due to higher terrorism or hooliganism threats, club management will increase the "deployment of additional resources on the approaches to the turnstiles or entry points, which in turn may reduce the rate at which spectators can enter."[180]

Convicted hooligans are less likely to be able to attend matches because they must provide photo identification at the time of ticket purchases and "most EPL [games] require fans to pre-purchase tickets (thereby having passed through forms of anti-hooligan dataveillance)."[181] Certain clubs allow for small bags to be carried into the

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[176] Hamilton-Smith and Hopkins, "Transfer of English Legislation to the Scottish Context," 282.

[177] Stott and Pearson, "Football Banning Orders," 244.

[178] "Barclays Premier League Fans."

[179] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 12.

[180] *Guide to Safety at Sports Grounds*, 33.

[181] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3299.

stadium "as long as they can fit underneath your seat without causing an obstruction to the walkway," although only after the bag is searched by security personnel.[182]

C.   CHALLENGES TO EPL SECURITY TODAY

The EPL could be entering a new era of threats from terrorists, as opposed to the nearly absent threat of hooligans. The NaCTSO warns that soccer matches serve as an attractive target for terrorist attacks because they are considered "symbolic locations" and an attack could create numerous deaths because many view these locations as "'soft' targets."[183] The counter terrorism guide warns specifically that EPL games could be vulnerable to bombing attacks because the assailants have several options of carrying an explosive device to the stadium: "suicide bombers may use a lorry, plane or other kind of vehicle as a bomb or may conceal explosives on their person."[184]

Certainly England has been the target of several terrorist attacks over the years from the Irish Republican Army (IRA), but also in attacks on 7 July 2005 (these attacks are typically referred to as 7/7). The attacks on 7/7 were devastating, as "four suicide bombings…caused the deaths of 52 people and injured more than 950, many seriously" with another failed terrorist attack occurring later in the same month.[185] The 7/7 bombings pushed former Prime Minister Tony Blair to create new counterterrorism measures that were similar to some of the FBO measures, and "each came at considerable cost to the liberties of both individuals and groups of people."[186]

Fast-forward 10 years to Paris, where members of ISIS attacked the *Stade de France* Stadium and other public places, which resulted in over a hundred deaths. The EPL responded to the Paris attacks by adding security measures at events. One such measure was when Manchester City used additional police forces to create "a 'ring of steel' round Old Trafford and the Etihad stadiums… to reassure worried football fans this

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[182] "Stadium: General Queries."

[183] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 41.

[184] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 41.

[185] Ian Cobain, "London Bombings: The Day the Anti-Terrorism Rules Changed," *The Guardian*, last modified July 7, 2010, http://www.theguardian.com/uk/2010/jul/07/london-bombings-anti-terrorism.

[186] Cobain, "London Bombings."

weekend in the wake of the Paris attacks."[187] Following Paris, the league decided to increase security measures at games by opening the gates to the stadiums earlier than normal to allow for more thorough security checks for fans.[188] The league has remained on a higher security status since the Paris attacks. The EPL will likely continue its increased security posture until intelligence demonstrates that a lower threshold of security is adequate to protect its fans.

While the threat of hooliganism has waned significantly since the 1980s, the problem itself has not fully disappeared from English soccer. The Euros soccer competition held in France in 2016 demonstrated that English, as well as Russian, fans still have a tendency to commit violent acts against the rival team's fans. Leading up to a match between the England and Russia during the group stage of the completion, a number of "clashes between English and Russian hooligans escalated over three days in the center of Marseille before vicious fighting spread to the stadium on Saturday [gameday]."[189] Despite most media outlets placing the majority of blame on Russian hooligans for the violence at the Euros, some English fans also engaged in hooligan-related violence, resurrecting the poor image of English soccer fans abroad.

D. THE FAN EXPERIENCE

Average fans can now attend matches in the U.K. without having to continuously worry about an outbreak of hooligan-related violence. The measures used to prevent hooliganism can be viewed as beneficial in preventing terrorism at EPL games. The security teams have done an excellent job monitoring all areas in and around the stadiums during games and in responding to issues concerning fan safety. Thanks to the many successful safety and security measures in the EPL, the "English club stadiums appear

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[187] Chris Riches, "Manchester's Old Trafford and Etihad Stadiums to Be Surrounded by Anti-Terrorism Officers to Reassure Fans," *Mirror Online*, last modified November 19, 2015, http://www.mirror.co.uk/sport/football/news/manchesters-old-trafford-etihad-stadiums-6861450.

[188] "English Premier League to Intensify Security Check," *Zee News*, last modified November 21, 2015, http://zeenews.india.com/sports/football/english-premier-league/english-premier-league-to-intensify-security-check_1824437.html.

[189] Rob Harris, "Hooliganism Scars Euro 2016 as England, Russia Risk Ejection," ESPN.com, last modified June 12, 2016, http://espn.go.com/espn/wire?section=soccer&id=16150734.

orderly and pacified, football-related arrest figures are low, and England's international image has been substantially reinvented."[190]

Some fans are against the security changes at EPL matches, claiming these measures have contributed to a less exciting soccer atmosphere for fear of overzealous fan celebrations resulting in expulsion. Fans have voiced their opinions regarding the various "civil liberties issues, for example in cases where peaceful football supporters are adversely affected by police interventions."[191] The atmosphere is less enjoyable at EPL games because they are "becoming over-priced, over-regulated, too quiet, and 'sanitised.'"[192] Some fans are opposed to the entrance and seating arrangements of the stadiums too as they are argued to now "resemble prison camps" as fans are thoroughly searched and restricted from travelling around the stadiums.[193]

The cultural change within stadiums has been significant because boisterous celebrations and rowdy fan behaviors are less prevalent due to a "'cracking down' on forms of affective interaction that were tolerated and valued in the past."[194] Manchester United's football manager Alex Ferguson echoed this notion when he "commented that one home [game] was 'like a funeral.'"[195] Despite some criticisms, fans continue to attend matches, with the league's lowest attendance rate at 80 percent capacity for Aston Villa in 2015 and the second-lowest at 91 percent for West Bromwich in that same season.[196]

E.   CONCLUSION

The EPL was on the verge of collapse until it made the appropriate changes to protect its fans from both the hooligans and avoidable accidents that plagued the league up to the 1980s. Following this bleak period in the 1980s, the league assessed and

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[190] Giulianotti, "Social and Legal Factors," 33.

[191] Giulianotti, "Social and Legal Factors," 35.

[192] Giulianotti, "Social and Legal Factors," 35.

[193] Whalley, "Stadium Safety Management in England."

[194] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3305.

[195] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3304.

[196] "Premier League Home Attendances 2015/2016."

corrected its security shortfalls over the ensuing two decades. This effort has attracted fans back into the stands as the league promised them both safety and quality football games and has delivered.

The EPL's safety and security chain of command is well defined and headed by the safety officer on match days. The league strongly adheres to the principles of efficient communication among staff, rapid threat response, crowd monitoring, and threat analysis to protect its fans. Additionally, the league has a strong working relationship with the police and other public entities to secure games. Nonetheless, the EPL is ultimately in charge of security at games and is liable should an attack occur, which adds further incentive for the league to mitigate risks.

To address and reduce hooligan threats, the league made numerous changes to its security doctrine to keep violent offenders from entering the stadiums. First, the EPL created numerous FBOs to keep hooligans out of matches, which has been extremely successful, as indicated by the waning threat of hooliganism today as compared to the 1980s. Additionally, other security measures to keep hooligans out, like the use of spotters and CCTV, have made it less likely that hooligans can gain close access to the stadiums without first being identified. Lastly, the league adheres to the counterterrorism measures contained in NaCTSO's manual to protect its fans from attacks.

The British view hooliganism to be synonymous with terrorism, and this stance has allowed the league to create measures that simultaneously combat risks emanating from either violent element. The EPL's security team is trained and manned to effectively respond to violent threats and actions, and this is useful in mitigating hooliganism and terrorism alike. While terrorists arguably pose a higher potential to cause death and injuries to fans than hooligans, both are still primary concerns to the safety of fans at games.

To address safety concerns like fires or other disasters at matches, the league enforces doctrine contained in the *Green Guide*. The guide outlines all safety related concerns from the physical composition of the stadiums, to the different roles and responsibilities of security members. The use of the *Green Guide* helped the EPL in

surviving a tough period in the 1980s, and the league has been free of any major incident since the Hillsborough stadium disaster nearly 30 years ago.

Fans now feel safe attending EPL matches, as indicated by the league's high attendance rates, which have led to considerable financial successes for the league and individual clubs. The league's efforts to protect and attract fans to attend matches have paid off tremendously. A potential challenge going forward will be for the league to retain the same or higher level of security at matches, while also maintaining an enjoyable game atmosphere for fans.

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IV. NATIONAL FOOTBALL LEAGUE

The National Football League has not been attacked by a terrorist organization, but the American professional sports league is nonetheless taking measures to protect itself and its fans. Therefore, a terrorist organization could be drawn to attack an NFL stadium because "it is a microcosm of American culture."[197] The league recognizes this potential threat and is taking measures to "act in a professional and prudent manner by fulfilling their legal responsibility to provide a safe environment for spectators, officials, players, and surrounding community."[198]

In this chapter, I explain the safety and security measures employed by the NFL to mitigate terrorism at its non-Super Bowl events to evaluate if these specific actions are suitable for thwarting potential attacks against the league and its fans. First, I briefly describe the enormous economic value of the NFL, followed, second, by how the league's security plans have changed since 9/11 in response to real and perceived threats by implementing both security policies and practices to protect fans. Third, I describe the NFL's security team and how it uses local and federal law enforcement to protect its fans at games. Fourth, I compare and compare the league's security measures between all non-Super Bowl NFL games to the championship game itself. Then, I discuss the fan screening process, security policies to protect fans at games, and the various security perimeters around the stadiums. Finally, I discuss some of the criticisms the NFL has received regarding its security protocols at games, followed by a conclusion.

A. NFL: THE MOST ECONOMICALLY VALUABLE SPORTS LEAGUE IN THE WORLD

The NFL is already the most valuable sports league in the world—and the league intends to continue cultivating its popularity. The NFL is already valued at roughly three times greater than the second-most profitable professional sporting league in the world,

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[197] John J. Miller, John T. Wendt, and Peter C. Young, "Fourth Amendment Considerations and Application of Risk Management Principles for Pat-Down Searches at Professional Football Games," *Journal of Legal Aspects of Sport* 20, no. 2 (Summer 2010): 107.

[198] Hall, Marciani, and Cooper, "Sport Venue Security: Planning and Preparedness," 10.

the English Premier League. The commissioner of the NFL, Roger Goodell, stated in 2013 that "he wants to reach $25 billion in annual revenues for the league by the year 2027," while the league was only valued at $9 billion in annual revenues in that same year.[199] This ambitious goal could be difficult to achieve when considering that the NFL already has 20 of the top 50 sporting franchises in the world in terms of worth, not so closely "followed by MLB (12), NBA (10), and soccer (7)."[200]

The NFL depends on continued high attendance rates at regular season games to remain well ahead of all other professional sporting leagues in the world in terms of revenue and overall viewership. Additionally, to avoid a television broadcast blackout due to attendances rates falling below local and cable network thresholds, the league is incentivized to fill the seats at its stadiums. For their part, the fans attend NFL games because they expect an exciting atmosphere that is unachievable from watching the game on television.

To get more fans to attend games regularly, the NFL commissioned an outside source poll of its fans in June of 2014 called the "'Voice of the Fan,' detailing the findings of its most extensive analysis ever of the in-game experience, including results from an independent consultant and polling of tens of thousands of fans."[201] The survey was then used to compare and rank each team in the following subsections: "Arrivals, safety and security, game-day staff, in-game enhancements and technology, game entertainment, concessions, and leaving the stadium."[202] Individual franchises have adopted the findings of the survey and have acted to improve any areas that the report turned up as needing attention.[203]

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[199] Burke, "How the National Football League Can Reach $25 Billion."

[200] Badenhauser, "World's 50 Most Valuable Sports Teams 2015."

[201] Daniel Kaplan, "NFL Gives Teams Expanded Fan Experience Study," Street and Smith's Sports Business Journal, last modified June 16, 2014, http://www.sportsbusinessdaily.com/Journal/Issues/2014/06/16/Leagues-and-Governing-Bodies/NFL-fans.aspx.

[202] Kaplan, "NFL Gives Teams Expanded Fan Experience Study."

[203] Kaplan, "NFL Gives Teams Expanded Fan Experience Study."

For example, the Washington Redskins, as extrapolated from the survey's findings, had problems getting their fans into the stadium in a timely manner, which ultimately lowered the satisfaction for those people attending games. The team remedied these issues immediately at FedEx Field, which has resulted in "less waiting at stadium gates, with lines clearing about 10 minutes more quickly; and better game-day features, with entertainment satisfaction scores up 15 percent."[204] The NFL appears committed to its growth, which means that protecting its fans at games will become ever more critical in the upcoming years.

B.   NFL SECURITY REFORMS SINCE 9/11

Even before 9/11, the NFL had security teams and measures to protect its fans, but after the attacks the league approached its security scheme differently. Milton Ahlerich sums up the NFL's commitment to security since 9/11: "In my post as the Vice President of Security for the National Football League … , we have a variety of security programs that deal with protecting our most important assets, and our most important assets are not only the game and the fans—certainly the events themselves are very, very high on the list—but also our most important human resources, our players."[205] The security policies and practices enforced at NFL games come from the SAFETY Act and are used in the league's security manual.

1.   SAFETY Act

During the year following the attacks of 9/11, companies became hesitant to change or alter their security schemes for fear of garnering additional liabilities in protecting their businesses.[206] Therefore, the government created a measure to protect

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[204] Dan Steinberg, "Bruce Allen Says Redskins Fans Were Much Happier with Game-Day Experience in 2015," *Washington Post*, last modified March 15, 2015, https://www.washingtonpost.com/news/dc-sports-bog/wp/2016/03/15/bruce-allen-says-redskins-fans-were-much-happier-with-game-day-experience-in-2015/.

[205] Fallon et al., "Panel I: Legal Issues in Sports Security," 350-51.

[206] Department of Homeland Security Science and Technology Directorate, *Research and Development Partnerships- SAFETY Act for Liability Protection*, (Washington, D.C.: Department of Homeland Security, 2015), https://www.dhs.gov/sites/default/files/publications/Safety%20Act%20for%20Liability%20Protection.pdf.

companies when it created the "Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act in 2002."[207] The SAFETY Act incentivized companies to create security measures to protect their businesses since according to Kimberly Schimmel, "insurance costs for all terrorism-related 'potentially foreseeable' risks became incredibly expensive."[208] Additionally, "the federal government grew concerned that the massive 'liability could stifle the entrepreneurial spirit for developing technologies and products that disrupt attacks and enable an effective response.'"[209]

To qualify under the SAFETY Act, companies were tasked to create measures that were "designed, developed, modified, provided or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism."[210] Additionally, to qualify as a Qualified Anti-Terrorism Technology (QATT) under the SAFETY Act, the security technologies must "perform as intended," "conform to the seller's specifications," and "be safe for use as intended."[211]

Finally, a company applying for protection under the SAFETY Act must sustain sufficient "liability insurance that the U.S. Department of Homeland Security… determines the Seller must maintain."[212] The NFL is covered under the SAFETY Act, and it "is the only professional sports league that has a comprehensive set of best practices for stadium security certified by the Department of Homeland Security."[213]

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[207] Department of Homeland Security Science and Technology Directorate, *Research and Development Partnerships*.

[208] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 349.

[209] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 349.

[210] Department of Homeland Security, Office of the Secretary, *SAFETY Act: Rules and Regulations*, Department of Homeland Security, 33160, last modified June 8, 2008, https://www.safetyact.gov/pages/homepages/SamsStaticPages.do?insideIframe=Y&contentType=application/pdf&path=sams\refdoc\Sact_FinalRule.pdf.

[211] Department of Homeland Security Science and Technology Directorate, *Research and Development Partnerships*.

[212] Department of Homeland Security Science and Technology Directorate, *Research and Development Partnerships*.

[213] National Football League Official Website, "NFL Teams to Enhance Public Safety and Improve Stadium Access for Fans," NFL Stadium Bag Policy, accessed May 26, 2016, http://www.nfl.com/qs/allclear/index.jsp.

2. Safety Manuals

The league standardized and improved its security scheme by creating the NFL's *Best Practices for Stadium Security* manual, or otherwise known as the *Best Practices Guide*. The first draft of this manual was produced within two to three months after the 9/11 attacks when a "task force met and evolved into publishing a set of best practices for NFL stadiums and best practices for security."[214]

The Department of Homeland Security's division of Command, Control and Interoperability Center for Advanced Data Analysis (CCICADA) created the *Best Practices in Anti-Terrorism Security for Sporting and Entertainment Venues Resource Guide*, or *BPATS*, to give guidance to companies wishing to seek liability protections in case of a terrorist attack post-9/11. This guide's purpose "is aimed in assisting owners and operators of sports venues who are developing, deploying and improving the anti-terrorism readiness of their venues and who are interested in submitting an application for coverage of their venue security under the … [SAFETY] Act."[215]

The CCICADA-produced guide addresses all aspects necessary, and in some cases recommended, for companies to tailor their Anti-Terrorism (AT) plans to qualify as a QATT under the SAFETY Act. The NFL's *Best Practices Guide* is protected under the SAFETY Act as a QATT, and in its application the league used *BPATS* to address all requirements of the SAFETY Act. The *Best Practices Guide* is used by all 32 NFL franchises to provide a common threshold of protection at all stadiums.

The *Best Practices Guide* qualified as a QATT in 2009 and is valid through the 2016 season, and the manual contains "the League's guidelines for stadium and event security and operations."[216] The *Best Practices Guide* contains security "standards for non-game day operations, game day operations, and threat assessments and emergency

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[214] Fallon et al., "Panel I: Legal Issues in Sports Security," 352.

[215] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 7.

[216] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 350.

plans."[217] This guide conforms to the SAFETY Act's "standards for game day and non-game day operations, threat assessments and emergency plans, and the hiring, vetting, and training of personnel used to provide the services."[218]

The *Best Practices Guide* has been praised by DHS in receiving awards for its "practices of digital surveillance, spectator searches, the enforcement of barricaded zones, threat assessments, and the hiring, vetting, and training of personnel."[219] To mitigate the risk of terrorists planning their attack around the perceived weaknesses of its security scheme, the NFL keeps the guide private, but "has shared [it] with other leagues, including Major League Baseball and the National Basketball Association."[220]

Additionally, the NFL is protected legally from having to disclose its guide to the public since "QATT specifics are exempt from the [U.S.] Freedom of Information Act."[221] The amount of liability protections provided to the NFL is uncertain, though, because "it is not clear how the NFL's immunity under the SAFETY Act will influence this reasonableness analysis in civil liberties litigation."[222] Beyond the potential risk of civil disputes following a terrorist attack, the NFL could suffer dwindling attendance at games that would compromise the financial wellbeing of the league. The NFL continually analyses its security posture to prevent attacks from happening.

The *Best Practices Guide* is discussed annually during NFL "Committee on Stadium Security" meetings to look at policies and ways to improve them.[223] The NFL has tried to balance the amount and extent of the security it provides at games, hoping not

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[217] Department of Homeland Security Science and Technology Directorate, *SAFETY Act Approved Technologies*, Department of Homeland Security, accessed May 26, 2016, https://www.safetyact.gov/jsp/award/samsApprovedAwards.do.

[218] Elizabeth Renieris, "NFL = No Financial Liability? Post-9/11 Law Gives NFL Exemption from Terrorism Lawsuits," *Vanderbilt Journal of Entertainment & Technology Law*, last modified March 16, 2009, http://www.jetlaw.org/2009/03/16/nfl-no-financial-liability-post-911-law-gives-nfl-exemption-from-terrorism-lawsuits/.

[219] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 350.

[220] Renieris, "NFL = No Financial Liability."

[221] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 350.

[222] Renieris, "NFL = No Financial Liability."

[223] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

to push away common fans. Therefore, policies should not only protect fans, but also not "degrade the value of the experience" in attending games.[224] The league has worked to find the balance in maintaining a high level of security for its fans, while at the same time making the gameday environment enjoyable.

C.   NFL SECURITY CHAIN OF COMMAND

While there is a lack of open source documentation on the specific jobs and roles of various NFL security workers, the league bears the overall responsibility for the safety of its fans at games, and it shares security responsibilities with various public entities. The NFL appoints individual directors of security for its franchises that "can establish a set of minimum competency standards for venue security employees and contractors at all levels."[225] The director of security uses the security plans of the *Best Practice Guide* to "follow the National Incident Management System's (NIMS) Incident Command System (ICS) as the model for organizing an incident response."[226]

Prior to each game, the director of security will chair a meeting with both NFL security members and public entities to appoint specific responsibilities to each element of the security force in the event of a terrorist attack or disaster. The security team will discuss specific responsibilities during its risk assessment meeting to "include standard staffing plans and training for event and non-event days detailing the number of staff available, and their assigned positions."[227]

During games, the Director of Security will work in the Command Center with other "members of supporting and stakeholder agencies to efficiently communicate with security team members."[228] Unlike the EPL, the specific makeup of the security

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[224] Miller, Wendt, and Young, "Fourth Amendment Considerations," 123.

[225] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 24.

[226] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 18.

[227] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 34.

[228] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 56.

enterprise at NFL games is not published. However, the league uses a combination of private security and public entities to maintain safe conditions at games. Additionally, each security member will have a replacement member appointed prior to games.[229]

1.   Private/Public Partnership

The NFL shares the responsibility of protecting its fans with law enforcement at games. The partnership is made possible through meetings before games and other events where "mutual aid agreements between the venue operator or security director and local law enforcement can include tabletop exercises that provide benefits for both parties."[230] The specific roles for individuals and departments are discussed prior to events under a "Unified Command Doctrine," so that different entities can "make response decisions together according to ICS guidelines."[231] The NFL can also request additional support from law enforcement agencies as needed to garner a "higher levels of government and law enforcement" at games.[232]

An NFL statement released in 2015 explains in general terms how it works with the public sector in securing games: "the NFL and team security departments work closely with stadium operation personnel and federal, state, and local law enforcement to provide a safe experience for the more than 17 million fans who annually attend NFL games."[233] The shared responsibility between the NFL, local agencies, and sometimes even federal agencies, protects fans and has been "beneficial in ways that help secure the

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[229] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 59.

[230] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 139.

[231] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 18.

[232] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 41.

[233] Daniel Popper, "NFL Says 'No Known Threats against NFL Stadiums' in Wake of Paris Terrorist Attacks," *NY Daily News*, last modified November 15, 2015, http://www.nydailynews.com/sports/football/nfl-no-threats-nfl-stadiums-article-1.2435101.

NFL's position and profitability and, more importantly, help implement and secure consensus for the [U.S.] Department of Homeland Security's 'war on terror.'"[234]

2. Police Presence at Games

The police presence at NFL games is considerable both, to deter attacks and to respond quickly to threats inside and within close vicinity of the stadiums. A statement from the New York Giants demonstrates the need for a large police presence at games following 9/11:

> What we have done is major deterrence. As you come through the toll plazas, you see state police cars out there. We now do our checks outside the gates rather than inside the gates, and inside that corral area are state police. When you come through the turnstiles, the first thing you see are state police cars. When you go to your seat, you see state police walking around the concourse, which is something we have not done before.[235]

The league has maintained a high police presence at its games since 9/11, and not just in major cities like New York or Chicago. For example, the smallest city in terms of population that has an NFL team, Green Bay, has embraced the notion of needing a significant police presence at their games to protect the stadium capable of seating just over 80,000 fans. At Green Bay Packers games "Police officers are stationed at each entrance gate to ensure your safety while visiting Lambeau Field."[236] The police presence is also sizable and highly visible within the stadiums, as is the case in Seattle where "Police Department and King County officers are stationed throughout CenturyLink Field and CenturyLink Field Event Center" to respond to emergencies and threats.[237] This effort is viewed as beneficial in deterring terrorism because the high visibility of police officers at games gives the impression that the NFL is committed to target hardening to prevent terrorism.

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[234] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 340.

[235] Fallon et al., "Panel I: Legal Issues in Sports Security," 357.

[236] Green Bay Packers, "Lambeau Field Gameday Information," Green Bay Packers Official Website, last modified 2016, http://www.packers.com/gameday/gameday-information.html.

[237] Seattle Seahawks, "Seahawks Gameday Policies and Information," Seattle Seahawks Official Website, last modified 2016, http://www.seahawks.com/gameday/gameday-policies-and-information.

3. Intelligence for Gameday Threat Mitigation

In planning for gameday operations the NFL gathers and discusses all related intelligence and threats, which ultimately determines the security scheme and staffing for an event. The *BPATS* guide calls for sporting leagues to create "a Dynamic On-going Risk Assessment (DORA) process to enhance risk management capabilities."[238] The use of this analytical tool "enables a venue to take just-in-time information such as updated intelligence, changes in resource availability, or other potential changes to the baseline risk assessment assumptions, and incorporate them into an event-specific security plan to reduce the risk to a venue."[239] Thus, NFL gameday security will be tailored appropriately based on time-sensitive intelligence that is disseminated during the risk assessment meetings.

The pregame intelligence analysis also considers how "threats, vulnerability, and consequences can change based on new intelligence (changes in terrorists' weapons, new attack scenarios and new target groups) and changes in any situation around or within the venue."[240] To create a cohesive security plan regarding specific threats at each event, the intelligence is briefed and shared with all major players to include the team's management, all involved local and federal law enforcement agencies, city government officials, transportation staff, NFL security and stadium staff members, and even "parking operators (third-party and venue)."[241]

Intelligence provided to the NFL can come from both local law enforcement and federal agencies, and the information will include both specific and perceived threats to gameday operations. To staff events appropriately, based on intelligence, the NFL first assesses any information received from "state law enforcement, and any specific security

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[238] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 27.

[239] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 27.

[240] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 17.

[241] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 51.

threats the venue has received."[242] The NFL also works in "coordination and communication with public safety and public health officials, as well as the local JTTF (Joint Terrorism Task Force) and fusion centers where possible," to receive up-to-date intelligence related to an event.[243]

Finally, the NFL can request intelligence for specific events "from the state police or state bureau of identification and the local FBI Joint Terrorism Task Force (JTTF) and Field Intelligence Group (FIG)."[244] The NFL's working relationship with various intelligence sources helps the league to protect its fans at games, while minimizing seams for terrorists to exploit.

D. SECURITY MEASURES AT REGULAR SEASON GAMES

The NFL has undergone massive changes to its security procedures and technologies at regular season games post-9/11 in response to the perceived threats in its annual security risk assessments. Today the NFL uses a number of security measures—both in and around its stadiums—to protect its players, fans, and structures from terrorist attacks. The league approaches each game as an individual event that must have sufficient security to protect its fans. This security planning approach has successfully prevented any terrorist attack from happening at an NFL game despite the large number of attacks occurring annually in the United States and around the world.

This section discusses the various technologies the NFL uses for security at games, the policies to protect fans, the various tailored measures that teams employ for security, and the perimeter security around the games.

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[242] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 60.

[243] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 55.

[244] Edward Connors, *Planning and Managing Security for Major Special Events: Guidelines for Law Enforcement*, (Alexandria, VA: U.S. Dept. of Justice, Office of Community Oriented Policing Services, March 2007), 19, https://www.hsdl.org/?view&did=482649.

1.   Conventional Metal Detectors

Harvard Law professor, Richard Fallon Jr., questioned the limited use of metal detectors at NFL games in 2003 arguing: "If you are not using metal detectors for all events when you use them for some events, are you living up to a standard of reasonable care?"[245] This question has since been addressed as all NFL franchises are now required to use metal detectors at all games. Since the NFL's *Best Practices Guide* was certified as a QATT under the SAFETY Act in 2008, the league has outfitted all of its stadiums to use conventional walk-through metal detectors, otherwise known as magnetometers, to screen all fans entering games. The league stipulates that "all NFL clubs use mandatory metal detector screening and multiple layers of perimeter security external to the stadium to safeguard fans and the stadium from explosive threats."[246]

This policy of using magnetometers and visual screening for fans entering stadiums replaced the previous method of using handheld metal wanding devices and pat-downs. The argument to switch to conventional walk-through metal detectors for fan screening is that "magnetometers are considered to be more effective than the other two methods."[247] The ability to detect weapons using magnetometers is not only more accurate, but "patrons often find magnetometers less invasive than wandings and patdowns and most patrons are familiar with them since they are used in airports."[248] Additionally, magnetometers are significantly faster than the previous methods since the "average magnetometer screening times per patron would range from 5 to 7 seconds," which is 1–2 seconds faster per person than pat-downs and twice as fast as wanding.[249]

The benefit of the magnetometer's rapid screening time and accuracy is that it helps to reduce the congestion of the waiting lines outside the stadium. This point is

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[245] Fallon et al., "Panel I: Legal Issues in Sports Security," 394.

[246] Popper, "NFL Says 'No Known Threats against NFL Stadiums.'"

[247] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 103.

[248] Brian C. Ricks et al., "Modeling the Impact of Patron Screening at an NFL Stadium." In *IIE Annual Conference. Proceedings, 3086. Institute of Industrial Engineers-Publisher* (Piscataway, NJ, 2014), http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=4CB704B8D73F70CC7890CA409C44E0A3?doi=10.1.1.646.171&rep=rep1&type=pdf.

[249] Ricks et al., "Modeling the Impact of Patron Screening at an NFL Stadium."

important because the congested lines and areas outside the stadium are more vulnerable to terrorists wishing to produce mass casualties. After the Boston Marathon attacks, "security personnel recognized that crowds of uninspected patrons could easily be the target of a similar bombing attack," which is a vulnerability in the security lines outside NFL stadiums.[250] The very presence of magnetometers at stadiums is considered acceptable to NFL fans since this type of security measure is becoming standard in the post-9/11 world. Additionally, the presence of magnetometers could be useful in mitigating terrorists from attempting to smuggle weapons inside NFL stadiums.

The security at NFL games has increased since the league introduced magnetometers at all stadiums and games, which has helped "to increase the security of soft targets such as sports stadiums and arenas."[251] Unlike airports, though, where people can opt for either the whole-body scanner or pat-down method in the screening lines, guests at NFL stadiums must use the magnetometers because "refusal to comply may be grounds to prohibit admission."[252]

2. Clear Bag Policy

The NFL created its Clear Bag Policy, or Bag Policy, for all teams to use following the Boston Marathon attacks in 2013. The Bag Policy limits what type of bags fans could bring into stadiums to just "one-gallon clear plastic freezer bag," a similarly sized NFL brand clear plastic bag, or a small woman's clutch purse so that security guards could quickly assess and scan its contents.[253] This policy replaces the former policy where fans could carry backpacks into stadiums after being checked by security personnel.

The Bag Policy has reduced the wait times for fans in entering the stadiums and has made the screening checks "much easier, allowing staff to be more efficient and

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[250] Ricks et al., "Modeling the Impact of Patron Screening at an NFL Stadium."

[251] Miller, Wendt, and Young, "Fourth Amendment Considerations," 117.

[252] Baltimore Ravens, "2015 M&T Bank Stadium Parking Rules and Regulations," Baltimore Ravens Official Website, last modified 2015, http://prod.static.ravens.clubs.nfl.com/assets/pdfs/gameday/tickets/2015/2015-Parking-Brochure.pdf.

[253] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

effective in checking bags."[254] The NFL does have exceptions to its Bag Policy to allow for larger items to be hand-carried into stadiums such as blankets, binoculars (out of their case), seat cushions, and medical-related items once the given items are searched.[255] Fans refusing to adhere to the Bag Policy are not allowed into the stadiums, but fans are allowed to carry backpacks in the tailgate areas and outside the secondary perimeter.[256]

3.   Surveillance Cameras

Similar to the EPL, the NFL has adopted the use of surveillance cameras to monitor the inside and outside of its stadiums during games; indeed, the use of "video surveillance cameras are very much a part of Best Practices."[257] Under the *Best Practices Guide*, "the [NFL] has urged owners to 'install internal and external cameras (digital) with pan, tilt, zoom and monitoring capability covering all vulnerable areas.'"[258] The employment of both "cameras and sweeps by security staff are two measures that can be deployed effectively throughout the middle and inner security zones," which helps to further the safety of fans at games.[259]

4.   If You See Something, Say Something

In addition to the use of security guards and screening procedures to protect fans at games, the NFL uses the DHS *If you see something, say something* campaign to inform fans to report any suspicious activity to the proper authorities. In 2012 the former Secretary of Homeland Security, Janet Napolitano, announced that the NFL adheres appropriately to the campaign "to help ensure the safety and security of employees,

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[254] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

[255] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

[256] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

[257] Fallon et al., "Panel I: Legal Issues in Sports Security," 374.

[258] Connors, *Planning and Managing Security for Major Special Events*, 38.

[259] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 23.

players and fans during the regular season, and Super Bowl XLVI."[260] Fans are therefore used to supplement stadium security at games since they may be in position to notice suspicious activity before security personnel do so.

This campaign has received some criticism in that fans are being compared to "citizen soldiers… being recruited by the DHS to participate in a public awareness campaign to report 'suspicious activity' to state and local law enforcement agencies."[261] Opposed to this notion is the fact that fans could be the first to notice certain unsafe conditions, and by reporting this information to stadium security it enhances the crowd's safety and their own.

5.   Individual Teams Tailor Security Measures to their Needs

Liability protection in the *Best Practice Guide* under the SAFETY Act "does not include each NFL club's or stadium owner's or operator's implementation of the Technology."[262] Teams are not individually covered under the SAFETY Act because each stadium has different physical characteristics that require different security schemes, and some stadiums are more likely to "host extremely high profile events (raising the value of an attack in the minds of terrorists)."[263] Therefore, each team must not only use the *Best Practices Guide* to implement the league mandated security measures in its stadium, but must also tailor its security based on its needs. Additionally, each team's "management should be prepared to implement additional screening measures should Department of Homeland Security elevate the alert level."[264]

Individual franchises can apply for liability protection under the SAFETY Act, and the Green Bay Packers were accepted as a QATT that "covers the entire stadium

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[260] Department of Homeland Security, *Secretary Napolitano Announces "If You See Something, Say Something" Partnership with NFL for Super Bowl XLVI*, Department of Homeland Security Official Website, last modified February 1, 2012, https://www.dhs.gov/news/2012/02/01/secretary-napolitano-announces-if-you-see-something-say-something-partnership-nfl.

[261] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 351.

[262] Department of Homeland Security Science and Technology Directorate, *SAFETY Act Approved Technologies*.

[263] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 15.

[264] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

property, including the seating bowl and suites, gates, loading dock, inner and secondary perimeters, field, locker rooms, area housing utility and mechanical systems, command center, and parking areas."[265] Similarly, the Arizona Cardinals' University of Phoenix Stadium and the shared New York Jets and New York Giants MetLife Stadium have had their security plans accepted as QATTs under the SAFETY Act.[266] This trend of individual teams submitting their security plans to be covered under the SAFETY Act is likely to continue in the upcoming years.

6. Security Perimeters

The league's teams employ different security procedures inside the stadiums than in the surrounding areas around the stadiums. The *BPATS* guide states that "venue security operations are often implemented using a layered approach of outer, middle, and inner zones," and the NFL utilizes the same three perimeters in securing its stadiums and fans.[267] The *BPATS* guide is helpful in explaining what the NFL's security plans must adhere to in regards to perimeter security, since the NFL used this guide to conform to SAFETY Act requirements.

a. Outer Perimeter

The outer perimeter, as indicated by its name, is the furthest out level of protection, and it is used to examine both fan and vehicle traffic flow around the stadiums. This perimeter contains the road and transportation systems within relatively close proximity to the stadiums, and NFL security forces work with local law enforcement agencies to mitigate risks originating from these areas through surveillance and closing roads or "re-routing traffic as necessary."[268]

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[265] Department of Homeland Security Science and Technology Directorate, *SAFETY Act Approved Technologies*.

[266] Department of Homeland Security Science and Technology Directorate, *SAFETY Act Approved Technologies*.

[267] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 21.

[268] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 21-22.

Contained in the outer perimeter are portions of the "parking lots and structures" where tailgating activities take place; however, many of the parking and tailgate areas are not owned by the stadium and not enforced under league policies.[269] Tailgating will therefore have its own section following a description of the three security perimeters. The outer perimeter itself is protected using "cameras and foot patrols, as well as structural and landscape design features."[270] Additional security can be deployed in the outer perimeter using canine units to "maintain an established security perimeter so that potential bomb threats cannot get close to the venue."[271]

All vehicles travelling through the outer perimeter toward the middle and inner zones are searched and must be on the team's manifest, which contains "a list of vehicles, their plate numbers, and their personnel."[272] This area is used to "establish 100-foot secure outer perimeter around the stadium to the maximum extent possible," and roadblocks are placed appropriately to prevent unauthorized vehicles from gaining close access to the stadium itself.[273]

b.   Middle Perimeter

The middle, or secondary perimeter, is the area directly inside the outer perimeter up to, and including, the security checkpoints that lead fans into the stadiums. The middle perimeter is lined with NFL security staffers around its outer edge who visually scan the fans walking toward the security checkpoints to prevent "prohibited items or bags being carried toward the stadium so those situations can be corrected immediately."[274] This scan is useful in mitigating the risk of a fan sneaking a backpack into the security lines, which of course is not allowed under the league's *Bag Policy*. Additionally, the

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[269] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 22.

[270] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 22.

[271] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 98.

[272] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 22.

[273] Connors, *Planning and Managing Security for Major Special Events*, 33.

[274] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

secondary area is manned by stadium personnel and police tasked to conduct "regularly performed sweeps" to address any unsafe conditions or suspicious activity.[275]

To reduce line congestion for fans entering the stadiums just prior to kick-off, all NFL teams open their gates two to three hours before games. For example, the Baltimore Ravens released the following message to fans on its official website: "due to heightened security measures at the gates, we strongly urge all guests to arrive at the stadium as early as possible to avoid entrance delays particularly in colder weather."[276] According to *BPATS*, this type of measure in opening stadium gates well before kickoff is a useful risk mitigation tactic since reducing "queuing lines is important, because those standing in the lines can be a target for terrorist acts."[277]

c.   Inner Perimeter

The inner perimeter is the secured area within the stadium where all fans and vehicles have passed through a screening process to gain access. Vehicles are not allowed access into this area on gamedays unless they are on the manifest and are delivering "perishable items."[278] On all other days, vehicles can access the stadiums once searched and if the delivery is expected and cleared.[279] This measure enables NFL teams to have sufficient knowledge of whom and what is entering their stadiums.

Canines are also used periodically "to conduct explosives sweeps of stadiums" prior to games depending on the availability of these units under local police forces and in response to specific intelligence threats.[280] Prior to each game, each element of the security team is trained on their specific responses to attacks within this perimeter.

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[275] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 107.

[276] Baltimore Ravens, "M&T Bank Stadium Parking Rules."

[277] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 22.

[278] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 22.

[279] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 22.

[280] Connors, *Planning and Managing Security for Major Special Events*, 26.

Stadium managers also create preemptive instructions for fans to inform them about how to respond to specific incidents, which will be displayed on "the electronic message boards" as needed.[281] For example, the Seattle Seahawks state that "in the event of a serious CenturyLink Field and Event Center emergency, all event staff, law enforcement and fire personnel are available to assist guests, including those with disabilities" and the information is displayed on the team's message boards.[282]

E. LEVELS OF SECURITY: THE SUPER BOWL VERSUS OTHER NFL GAMES

The NFL Super Bowl receives the highest level of security for any single annual sporting event in the United States, and some of the measures created at these championship games are then eventually filtered to non-Super Bowl games. The NFL championship game receives the highest level of security since it is considered a "National Special Security Events (NSSEs) and Special Event Activity Rating… Level I" event due to its holiday like national atmosphere and global appeal.[283] Therefore, the Super Bowl is viewed as "an obvious terrorist target, as such attacks will attract the attention of the world to the particular terrorist cause."[284]

As an NSSE event, the Super Bowl receives support from "the two federal law enforcement agencies that are most involved in securing major special events—the Federal Bureau of Investigation and the U.S. Secret Service."[285] The job of the Secret Service at the Super Bowl is to help in "security planning, venue and motorcade security, communications, credentialing, and training," whereas the FBI is used for the

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[281] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 82.

[282] Seattle Seahawks, "Seahawks Gameday- Gameday Policies and Information."

[283] Department of Homeland Security, *Protective Security Advisors*, Department of Homeland Security Official Website, accessed May 26, 2016, https://www.dhs.gov/protective-security-advisors.

[284] Thomas Shannon, "Leveraging Successful Collaborative Processes to Improve Performance Outcomes in Large-Scale Event Planning: Super Bowl, a Planned Homeland Security Event," (master's thesis, Naval Postgraduate School, Monterey, CA, 2010), 1.

[285] Connors, *Planning and Managing Security for Major Special Events*, 4.

"management of intelligence, crisis management, hostage rescue, and counterterrorism matters."[286]

The additional security measures at the Super Bowl differentiates it from other NFL games because the host city will literally have years to plan for the event, including a two-week period between the Super Bowl and the two Conference Championship matches when the league receives a significant amount of federal funding and support. Due massive amount of federal and local agencies involved, the Super Bowl is viewed by some, such as Schimmel, to be "a uniquely militarized sport mega-event."[287]

The additional security measures at the Super Bowl are readily apparent when compared to non-Super Bowl NFL games. For example, the Super Bowl "requires the close coordination of hundreds of agencies within a context of the modern homeland security–oriented event-planning paradigm."[288] The types of terrorist attacks that can be executed at the Super Bowl are wide-ranging, which means the league must have close coordination with local and federal agencies to consider and plan for the following contingencies: "chemical, biological, radiological, nuclear, and explosive (CBRNE) liabilities, assurance of intelligence sharing, critical infrastructure protection, mass casualty planning, and NIMS compliant command and control."[289]

The Super Bowl often introduces new security measures, which are sometimes adopted by the league for its non-Super Bowl games. For example, "the first pat-down search policy was implemented for Super Bowl XXVII in February 2002," which became a league standard at all games in the following season until being replaced by the use of conventional walk-through metal detectors.[290] As an NSSE event, the Super Bowl security plan enjoys the use of security forces that are in short supply. An example of this is when the "ATF [Alcohol Tobacco Firearms] is also able to deploy large numbers of

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[286] Connors, *Planning and Managing Security for Major Special Events*, 4.

[287] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 339.

[288] Shannon, "Leveraging Successful Collaborative Processes," 4.

[289] Shannon, "Leveraging Successful Collaborative Processes," 7.

[290] Miller, Wendt, and Young, "Fourth Amendment Considerations," 108.

canines, when requested, to National Special Security Events" to search for firearms and explosive devices.[291]

It is not feasible for other NFL games to achieve the same level of protection for its fans. The problem is that the level of planning, coordination, time, and funding for security at the Super Bowl greatly exceeds that of a regular season matchup. On a typical Sunday during the regular season, from 13 to 15 games will occur over a 10-hour timespan in cities spread across America, which is different from a centralized event like the Super Bowl where all focus and funding can be directed at securing the game. Regardless of the differences between NSSE and non-NSSE NFL games, the Super Bowl has provided insights into the effectiveness of new security technologies and measures, which have in some cases been applied to the security plans at non-Super Bowl NFL games.

The security measures at non-Super Bowl NFL games receive far less funding, planning, and federal support than the championship match, which means these games are inherently less secure. The main reason for this shortage of security when comparing the two is that regular games fall into the category of being "Non-NSSE mass gatherings."[292]

There are several factors that limit the security at regular games as opposed to the Super Bowl, such as those elements concerning "logistical, operational, financial, and administrative challenges."[293] Instead of receiving a SEAR 1 event status like the Super Bowl, all other NFL games are considered SEAR 4 events. As such, all non-Super Bowl NFL games are deemed to have "limited national importance" that typically only garner

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[291] United States House Committee on Homeland Security, *Sniffing Out Terrorism: The Use of Dogs in Homeland Security*, (Washington, DC: U.S. Committee on Homeland Security, 2007), 19, https://babel.hathitrust.org/cgi/pt?id=pst.000060842749;view=1up;seq=59.

[292] United States House Committee on Homeland Security, *Public Health, Safety, and Security for Mass Gatherings*, (Washington, DC: U.S. House of Representatives, Committee on Homeland Security, 2008), 1, https://www.hsdl.org/?view&did=485911.

[293] Shannon "Leveraging Successful Collaborative Processes," 4.

local law enforcement support.[294] Therefore, terrorists unable to find a seam to attack the Super Bowl could "pivot to softer SEAR 4–5 event targets."[295]

F.   CRITICISMS OF THE NFL'S SECURITY PLANS

How much security should teams use to protect fans while balancing the amount of scrutiny placed on typical fans entering the stadiums? There is a need for the NFL to achieve this balance of security to protect fans without pushing them away. For example, the Seattle Seahawks have tried to achieve this balance as they state they are "committed to improving your game day experience and providing a safe, family-friendly environment."[296] Other teams also advertise this same type of commitment on their official websites.

That being said, it would be difficult for the NFL to achieve a "family-friendly environment" if fans saw military helicopters, parked tanks, soldiers with automatic weapons, and patrolling Humvees at all games, similar to the scene at the Super Bowl in recent years. Despite the lower level of security at non-Super Bowl NFL games, the league is considered to have the best security at its games when compared to other major American sporting leagues, and "other stadiums have watched the NFL closely and followed, to the extent possible, security enhancements pioneered by the NFL."[297]

1.   Airspace Concerns

Some stadiums are in the direct flight path of major airports, which some argue to be a significant safety concern. The issue is that NFL stadiums are packed with 60,000+ fans during games, and the 9/11 attacks demonstrated the devastation a jet crash, whether intentional or even accidental, can have on a structure. Despite this safety concern, several stadiums built in the past decade are situated along the flight paths of major international airports, to include "Levi's Stadium in Santa Clara and MetLife Stadium in

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[294] Gehring, "Sports Venue Security," 5.

[295] Gehring, "Sports Venue Security," 53.

[296] Seattle Seahawks, "Seahawks Gameday- Gameday Policies and Information."

[297] National Football League, "NFL Teams to Enhance Public Safety and Improve Stadium Access."

East Rutherford, N.J."[298] While nothing can be done for stadiums already built along an airport's flight path, the NFL has not created a policy to prohibit franchises from building new stadiums in these vulnerable areas.

The Los Angeles Rams are currently shopping locations to build their future stadium, and one of the locations is in close proximity to Los Angeles International Airport. This Inglewood site would be directly in the LAX flight path. Former Homeland Secretary Tom Ridge has voiced his concerns regarding the Rams' proposed stadium site. Ridge's spokesperson stated that "in a post-9/11 world, Gov. Ridge believes we shouldn't be building stadiums in the direct flight path of one of the busiest airports in the world."[299] The former Homeland Secretary finds it "both disturbing and curious that there is such great interest in hyping the political discussion surrounding Inglewood to the distraction of safety and security concerns."[300] Ridge also sent a letter to the NFL stating that "it is my sincere hope that your committee will exercise judgment and a standard of care on behalf of the NFL that goes beyond parochial financial interests and focuses instead on safety, security and other holistic factors involved in stadium site selection."[301]

The counter is that NFL teams are limited in terms of available lots within close proximity to city centers and the majority of their game-going fans. Additionally, the former head of security for the New York Giants, William Squires, believes that commercial airplanes will continue to fly over stadiums, arguing the importance of air travel over sport since "the NFL is big but the aviation industry is just a little bit bigger."[302]

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[298] Nathan Fenno, "Former Homeland Security Chief Concerned about Safety of NFL Stadium Project in Inglewood," *LA Times*, last modified January 8, 2016, http://www.latimes.com/sports/nfl/la-sp-nfl-la-faa-20160109-story.html.

[299] Fenno, "Former Homeland Security Chief Concerned."

[300] Fenno, "Former Homeland Security Chief Concerned."

[301] Fenno, "Former Homeland Security Chief Concerned."

[302] Fallon et al., "Panel I: Legal Issues in Sports Security," 362.

2. How Much Is Too Much?

There is an argument that the NFL provides too much security at games, which ultimately detracts from the enjoyment of attending these events. Kimberly Schimmel of Kent State University argues that the militarized atmosphere at NFL stadiums has caused the following issue: "new relationships are currently emerging—and established ones intensifying—between sport cultures and transforming urban environments."[303] Schimmel argues that she is not alone in this criticism, by citing that "a number of sociologists of sport are focusing attention on the ways in which new urban spaces of the post-9/11 era are increasingly viewed as terrain on which military tactics and weaponry are necessary to protect capital investments, control crowds and prevent and respond to terrorist attacks."[304] The argument is that the NFL's overbearing security scheme is only increasing, and these measures will ultimately affect the common fan.

Similarly, some skeptics wonder: Is the NFL trying to protect its fans or itself? The NFL has gone to great lengths to create unified security plans, and its *Best Practices Guide* has been accepted by DHS to provide liability protections to the league under the SAFETY Act. Schimmel argues that the league's security enhancements were selfishly created, to the effect of "it is not fans that are protected, it is the NFL."[305] While fans benefit from the protections under the *Best Practices Guide*, the notion that the league may be concerned with its financial livelihood over the protection of its fans at games is disturbing.

On the other hand, all non-Super Bowl NFL games are considered SEAR 4 events, meaning they do not require federal services due to a lack of national importance, despite have weekly attendances of "more than 1.1 million Americans… at 16 different venues nationwide."[306]

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[303] Kimberly S. Schimmel, "Assessing the Sociology of Sport: On Sport and the City," *International Review for the Sociology of Sport* 50, no. 4-5 (2015): 593, doi:10.1177/1012690214539484.

[304] Schimmel, "Assessing the Sociology of Sport," 593.

[305] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 352.

[306] Gehring, "Sports Venue Security," 48.

Additionally, the NFL has been criticized for not allowing off-duty police officers to carry their service weapons into stadiums. Various police units have argued that off-duty police would enhance the safety at games if armed, but the league ruled has that "NFL stadiums on gamedays would be best-served by the carrying of firearms [only] by on-duty officers specifically assigned to work the game as part of the comprehensive public safety plan for the event."[307] The NFL prohibits off-duty police from carrying weapons into games because "they may not have the same training and do not participate in the weekly preparation meetings."[308]

3. Excessive Fan Screening Procedures

While this issue is not as salient as it was a decade ago, some fans are still opposed to the screening procedures when entering NFL stadiums. When the NFL started its pat-down policy to screen fans, some fans felt this policy to be in violation of their Fourth Amendment rights. During the 2005 season, a Tampa Bay Buccaneers season ticket holder sued his team, and a "Florida court ruled that the pat-downs at Buccaneers home games violated federal and Florida state protections against unreasonable searches."[309] During the same season, another lawsuit ensued against a franchise when "the ACLU [American Civil Liberties Union] of Northern California sued the San Francisco 49ers on behalf of season ticket holders, Dan and Kathleen Sheehan, alleging that the team's 'pat-down' policy violated the couple's right to privacy under the state constitution."[310]

While the league has switched to visual scanning and magnetometers to screen fans, a minority of fans are nonetheless opposed the NFL's current fan screening measures. Nevertheless, most fans are fine with the NFL's screening procedures, as a

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[307] Cindy Boren, "Off-Duty Police with Guns at NFL Games? Despite Pressure, League Isn't Budging," *Washington Post*, last modified December 2, 2015, https://www.washingtonpost.com/news/early-lead/wp/2015/12/02/off-duty-police-with-guns-at-nfl-games-despite-pressure-league-isnt-budging/.

[308] Boren, "Off-Duty Police with Guns at NFL Games."

[309] Renieris, "NFL = No Financial Liability."

[310] Renieris, "NFL = No Financial Liability."

Harris poll indicates that "more than 85 percent of the respondents did not believe that their personal privacy was violated by searches prior to entering the sport stadium."[311]

G.   CONCLUSION

The NFL augments its security posture in response to perceived threats, as it did subsequent to the 2015 Paris attacks, especially the attacks at the *Stade de France* during a friendly, national-level soccer match. The weekend following the Paris attacks showed an increase of NFL "security and law enforcement presence inside and outside all its stadiums."[312] Additionally, the league worked with public entities to assess specific intelligence threats at its games. In a statement from the NFL directly following the Paris attacks, an NFL spokesman stated the following: "we are closely monitoring events and have been in communication with the Department of Homeland Security and the FBI, which have informed us that there are no known threats against NFL stadiums."[313]

Despite not having any known threats to stadiums, the NFL maintained higher levels of security throughout the 2015 season. The league likely will discuss further mitigating measures to ensure that a Paris-type attack will not happen at a NFL game during the next annual safety meetings. Further security measures could stem from the Paris attacks, such as when the league implemented the Bag Policy following the Boston Marathon attacks.

Since 9/11, the league has demonstrated a strong will to deter would-be terrorists from attacking its games. The continued growth of the NFL's security enterprise and shift of security measures in flexing to both domestic and international threats attacks shows the league's commitment to protecting its games. This state of affairs is diametrically different from the NFL's commitment prior to 9/11 when security was an afterthought as compared to the game itself.

The NFL's security plan has been influential in terms of sporting security measures, and the other American professional sports leagues can learn from the football

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[311] Miller, Wendt, and Young, "Fourth Amendment Considerations," 118.

[312] Popper, "NFL Says 'No Known Threats against NFL Stadiums.'"

[313] Popper, "NFL Says 'No Known Threats against NFL Stadiums.'"

league's forethought and ingenuity in this field. The NFL appears to be doing as well as can reasonably be expected in protecting its games from attacks.

The breadth and depth of the NFL's security plans is not complete, however, in part because large stretches of the stadium area—access, parking, and tailgate areas—are not owned by the league and are not always subject to the league's sole control. What, if anything, could the league do to bolster the security of these areas?

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V. TAILGATING AT NATIONAL FOOTBALL LEAGUE GAMES

As robust as the NFL security measures are for stadiums during the regular season, the area just outside the stadium seems startlingly under-secured. This omission is important because this area has its own very prominent place in the live-attendance rituals of NFL games: the tailgate festivities. In these tailgate parking areas, fans often congregate, socialize, drink, eat, barbecue, and watch satellite television before and after the game they are attending. As recent attacks elsewhere—notably the Nice, France, truck assault on Bastille Day revelers—demonstrate, such gatherings of masses of people can be targets themselves, and the potential for numerous casualties is high. This chapter examines the security situation of the tailgate area.

There is little information regarding tailgating security measures contained within the Best Practices in Anti-Terrorism Security for Sporting and Entertainment Venues Resource Guide, or *BPATS*.[314] Therefore, I examined eight of the league's 32 teams to assess the different security procedures in these areas. The teams I analyzed represent various geographic regions to include the South, Midwest, Northeast, and Northwest.

I discovered several notable differences among the teams I analyzed in regards to their tailgating rules and restrictions, which suggests that this lack of standardization in tailgate regulations could leave some teams more vulnerable to an attack than others. A major issue in security that affects all the teams I looked at is that third-party–owned lots are not equipped with the same level of security protection as NFL-owned lots. The NFL-owned lots use "Closed Circuit Television (CCTV) cameras… to support monitoring and response" in addition to roving security personnel to secure their tailgates.[315] Privately owned areas are not subject to the rules of NFL franchises and, therefore, may not include comparable security measures.

In this chapter, I first describe how NFL tailgate areas could be prone to attacks based on a fundamental lack of security as compared to the stadiums themselves. Second,

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[314] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security.*

[315] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 98.

I outline the few similarities in tailgate policies among the teams I analyzed. Third, I describe the various security measures used in tailgate lots to mitigate risks, followed by a conclusion of my findings.

A.   TAILGATES COULD BE MORE PRONE TO ATTACKS

Tailgate areas could potentially be at risk for a number of reasons. First, these parking lots are typically large and spread out without having sufficient police and security forces to patrol the lots. Second, vehicles entering the tailgates are generally unsearched and fans are allowed to carry backpacks in these areas. Additionally, many of the lots are privately owned and not subject to league policies. During the hours leading up to a NFL game, there are numerous dispersed tailgates taking place within walking distance from the stadiums, and many of these can have hundreds to thousands of fans concentrated in small areas. The problem is that these small areas packed with fans could become attractive targets to a terrorist wishing to inflict mass causalities.

Indeed, according to security specialist James Gehring, the individual franchise's "stadium bowls are not the only potential terrorist target but parking lots and tailgating events are also potential terrorist targets."[316] This argument seems fair when considering that the NFL's security scheme is focused on the stadium, which then reduces the security forces available in protecting the tailgates to the same extent.

The vast tailgate areas cannot reasonably be protected to the same level as the stadiums because they are dispersed over a much greater area. For example, the Dallas Cowboys team owns "approximately 12,000 parking spaces distributed among 15 numbered lots at AT&T Stadium," which does not even account for privately owned lots where other tailgates take place.[317] To provide adequate protection in the tailgate areas, teams would have to employ significantly more security personnel and convey the need for additional police forces to patrol lots both before and after games.

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[316] Gehring, "Sports Venue Security," 66.

[317] "AT&T Stadium Parking," AT&T Stadium Official Website, last modified 2016, http://attstadium.com/guests/parking.cfm.

Authorities, be they the local police or NFL security staff, are often patrolling the tailgate lots to reduce alcohol consumption and to prevent disorderly behavior from fans. While such measures are important to create a safe and enjoyable atmosphere for all fans at the tailgate, all security personnel should be watchful for suspicious activity and to should think about how to respond in case of such activity.

B. SIMILARITIES IN TAILGATE POLICIES AMONG THE ANALYZED FRANCHISES

First, the teams have certain restrictions on fans in the tailgate area, but they are few, far between, and perhaps even unenforceable. For example, all teams state clearly that no weapons of any kind are allowed in the tailgate areas—though this policy is difficult for some teams to enforce because not all teams require random searches of vehicles entering their grounds. Moreover, no team prohibits fans from carrying backpacks in the tailgate area, which could hide a weapon or a bomb. While backpacks are strictly prohibited from the entering the seconadry perimeter around the stadiums, the ability for people to carry these items without being searched in the tailgate areas could prove disasterous.

Second, the rules that apply—and that do not apply—to the parking and tailgate areas are similar across all the teams I analyzed. All teams identify which league owned lots allow for tailgating, as well as those that should only be used for general game parking. With that, all teams also disclose their exact tailgating rules and area maps on their official websites that fans can reference to. The information posted on team websites could therefore serve terrorists with useful information in finding weaknesses in the tailgate areas to better plan attacks.

Third, all teams specify which team-owned lots allow for tailgating, and what times these activities can take place in relation to the start and stop of a game. All of the eight teams I analyzed have similar timeslots for when tailgating can take place in their lots. Generally speaking, tailgate activities are allowed to start four to five hours before the game and must end 30 minutes prior to kickoff. Tailgating can resume once the game ends for another one to two hours. Many fans consider the tailgating experience to be a

major component of the overall experience in attending football games. Therefore, many of the fans that frequent games will spend hours both before and after the game itself tailgating—perhaps even more time tailgating than watching the game. As such, the tailgate area demands more and more unified attention from the league.

C.   SECURITY FORCES AND VEHICLE SEARCHES AT TAILGATES

In researching the tailgate rules for a quarter of the league's teams, I found that only two of these teams made any mention of random vehicle searches to enter team-owned lots. The Dallas Cowboys and New York Giants are the only teams that randomly search vehicles entering their parking lots. The Dallas Cowboys stadium in Arlington, Texas, has a policy that "all vehicles parking within the Stadium's secured parking perimeter are subject to a security inspection before being allowed to park."[318] The New York Giants have a similar policy in that "those ticket holders refusing a search of their vehicle will not be permitted to enter the MetLife Sports Complex."[319] The Giants also inform their fans that "all vehicles are subject to search by New Jersey State Police which could include a canine unit."[320]

The rest of the teams I looked at do not make any mention of randomly searching vehicles entering their lots, but it is possible that certain franchises do not disclose vehicle search procedures to prevent terrorists from being able to plan around these measures. However, if some franchises, in practice, fail to randomly search vehicles entering their lots then this could leave the affected teams more vulnerable to large-scale attacks. While it would be easier for a person to sneak in small explosive devices or guns on foot to the tailgates, the "key concern is vehicle bombs" because of their inherent ability to cause widespread devastation in an instant, according to Edward Connors in his law enforcement guide.[321] Additionally, the vehicle itself could be used as a formidable

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[318] "AT&T Stadium Parking."

[319] New York Giants, "New York Giants 2015 Season Fan Guide," New York Giants Official Website, 10, last modified 2015,
http://prod.static.giants.clubs.nfl.com/assets/docs/pdf/giants_fan_guide.pdf.

[320] New York Giants, "New York Giants 2015 Season Fan Guide," 10.

[321] Connors, *Planning and Managing Security for Major Special Events*, X.

weapon, like with the 2016 event in Nice, France, where more than 80 people were run down and killed by a large truck.

To mitigate the risk of attacks taking place on team-owned lots, all teams share security responsibilities with their local law enforcement to protect fans. For example, at Seattle Seahawks games, the "CenturyLink Field security, Seattle Police, Seattle Fire Department, and King County Sheriffs will patrol the lot to ensure the safety of all guests."[322] The New York Jets also enforce this same type of roving tactic for counterterrorism in that "MetLife Stadium and the Jets are actively monitoring all lots with additional security and there are patrols to enforce the one car, one spot policy."[323]

1.   Policies for Large Vehicle Parking

The threat of a weapon in or of a vehicle only gets bigger—literally—in the case of recreational vehicles (RVs) in the tailgate area. The parking availability for RVs in team-owned lots varies greatly from team to team. Two of the teams analyzed—the Green Bay Packers and Seattle Seahawks—do not allow RVs to park in their lots. For example, the Packers advertise on their website that "no busses, R.V.s or oversized vehicles are allowed in the Lambeau Field lot."[324] Despite some teams taking this measure to keep RVs out of team owned lots, these massive vehicles can still find parking in privately owned lots where other tailgates take place. The Seattle Seahawks, for instance, inform their "fans interested in RV parking and tailgating, there are a number of lots a short walk from CenturyLink Field."[325]

Some teams, like the Baltimore Ravens, Denver Broncos, Dallas Cowboys, and New York Giants allow RVs to park in designated lots on a limited basis, and, as noted, the Cowboys and the Giants also reserve the right to search these vehicles randomly. At Denver Broncos games fans can park their RVs on team lots, but will "be subject to

322 Seattle Seahawks, "Seahawks Gameday- Gameday Policies and Information."

323 New York Jets, "New York Jets Parking FAQ and Maps," New York Jets Official Website, last modified 2016, http://www.newyorkjets.com/footer/parking-faq.html.

324 Green Bay Packers, "Lambeau Field Gameday Information."

325 Seattle Seahawks, "Seahawks Gameday - Getting to CenturyLink Field," Seattle Seahawks Official Website, last modified 2016, http://www.seahawks.com/gameday/getting-to-centurylink-field.

additional charges."[326] Because the Denver Broncos and Baltimore Ravens do not search vehicles entering their parking lots, they might be more vulnerable to larger explosive devices, because RVs are capable of carrying a larger payload than standard passenger vehicles. The Buffalo Bills could also be at risk, because they have the most relaxed stance regarding RV parking of any of the teams I examined. Not only do the Bills not search RVs or restrict the time or places that they can park, but their "tailgate lots have been paved and striped with oversized parking spaces to allow for more tailgating space."[327]

2.   Stadium Parking Restrictions

Certain teams restrict their parking facilities to fans who have pre-paid parking permits. For example, the New York Giants require their fans to have a "pre-paid parking permit…for all vehicles entering the MetLife Sports Complex."[328] The Baltimore Ravens have a similar policy in that "all lots at M&T Bank Stadium are sold in advance by permit only," but fans can still park in privately owned lots to tailgate.[329] Perhaps the most extreme restrictions for fan parking are in Green Bay where "the entire stadium lot is sold out to holders of season parking passes."[330] This policy indicates that Green Bay essentially predetermined which vehicles will park in its tailgating lots throughout the season, unless, of course, a parking pass is sold secondhand. Restricting parking to pre-paid permits could be a useful tactic to mitigate the risk in league-owned parking lots because this measure would add an additional hurdle for a terrorist planning an attack.

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[326] Denver Broncos, "Denver Broncos Tailgating," Denver Broncos Official Website, last modified 2016, http://www.denverbroncos.com/tickets-and-stadium/tailgating.html.

[327] Buffalo Bills, "Stadium Tailgating Buffalo Bills," Buffalo Bills Official Website, last modified 2016, http://www.buffalobills.com/stadium/stadium-tailgating.html.

[328] New York Giants, "New York Giants 2015 Season Fan Guide," 8.

[329] Baltimore Ravens, "NFL Bag Policy," Baltimore Ravens Official Website, last modified 2015, http://www.baltimoreravens.com/gameday/fan-guide.html.

[330] Green Bay Packers, "Lambeau Field Gameday Information."

D. CONCLUSION

To mitigate the risk of terrorism, all teams should enact policies to enforce random vehicle searches for teams entering lots. This type of measure would reduce the risk of terrorists bringing explosive devices into parking lots. Additionally, all teams should have policies that all large vehicles, defined uniformly, will be searched prior to entering their team owned lots. Creating a cohesive, standard security screening process of vehicles entering tailgate lots would help to reduce the risk of weapons entering these zones.

The ability for anyone to enter tailgates on foot also poses a problem because pedestrians can carry backpacks potentially filled with weapons or explosive devices. To prevent terrorists from sneaking weapons into these areas, the tailgates should be lined with either police or NFL security forces to check to contents of bags entering lots. An additional security measure would be to have canine units both lining tailgate entry areas and roving the lots to search for weapons. These security measures would be useful in not only stopping actual weapons from entering the tailgates on foot, but also serve as a useful deterrent tool.

The final area in need of remedy is that the third-party–owned lots lack standardization under NFL policy rules. The NFL should therefore reach out to third-party lot owners to create similar unified policies in these lots, and provide said lots with NFL security forces as needed. This measure will help to reduce the chance of terrorists attacking lots not owned by the league.

Funding the security measures to protect both franchise and third-party owned lots would likely have to be provided by the NFL. The league's inherent need to achieve a safe environment for its fans, personnel, and structures serves its interests, so the NFL should pay to provide these additional security measure.

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VI.   CONCLUSION

The terrorist attacks of 9/11 pushed several industries across the world to make major changes in their security measures. As prominent examples, the American aviation industry, the EPL, and the NFL all have robust security schemes of their own, but much can be learned by comparing security measures and applying them to other industries. In this conclusion, I will compare the EPL and American aviation examples to the NFL's security scheme to determine what could be applied to the NFL in order to better protect its fans and industry from potential terrorist attacks.

First in this chapter, I compare the security manuals and reforms used by each industry to see how well the NFL is keeping up with aviation and EPL security reforms. I then analyze the security manning and chain of command used by each industry to protect its customers and infrastructure. Next, I compare and contrast the tools used for security by the different industries to assess how well the NFL is keeping up with the others. The next section compares the experience of the associated customers of these industries, and, finally, I give my final assessment on how well the NFL is doing to protect its games.

A.   SECURITY REFORMS

The NFL took a proactive approach to security by adopting new policies and increasing funding and security personnel to protect its games. In this section, I discuss how the NFL has achieved its mission to protect its fans compared to the other two industries.

1.   Security Manuals and Policies

Both the aviation industry and the EPL have adopted security manuals to protect their customers and to create a minimum threshold for protection for their facilities and customers. Aviation's use of the *National Strategy for Aviation Security* has set the standard for security in U.S. airports, and this manual and airports must conform to this

standard.[331] The EPL, on the other hand, uses the *Guide to Safety at Sports Grounds*, otherwise known as the *Green Guide*.[332] Additionally, the EPL uses the *Terrorism Protective Security Advice for Stadia and Arenas*, for security measures to protect fans.[333] Both of the EPL's manuals are state driven and the league choses to abide by these rules. Between the two EPL manuals, all stadium considerations, aspects concerning security manning protections, and threat mitigations are covered.

The NFL went above and beyond these industries when it created its *Best Practices for Stadium Security* manual, or *Best Practices Guide*, to mitigate threats. Unlike the aviation and EPL examples, the NFL was proactive in creating its *Best Practices Guide* by assessing the likelihood of attacks and in analyzing how to best mitigate specific types of attacks. Since the NFL security guide falls under the SAFETY Act, its technologies and measures have been scrutinized and approved by DHS, and the league does not have to disclose its manual to the public.[334] By keeping this manual secret, it makes its security measures more difficult to counter. This measure, in a sense, puts the NFL's security scheme above the others.

2.   Funding

The funding for these various security schemes is very different. In the aviation example, a large amount of funding for security comes from the taxpayers and is channeled through Congress. Aviation security is extremely expensive since the manning and security technologies are used in every airport around the United States on a daily basis. Contrary to American aviation, the EPL funds its own security and pays for local law enforcement to help secure its games.[335] The NFL is a hybrid of these two models, in that the league funds its own private security forces at its games but does not solely pay for police to help secure games.

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[331] United States White House Office, *National Strategy for Aviation Security*.

[332] *Guide to Safety at Sports Grounds*.

[333] *Counter Terrorism Protective Security Advice for Stadia and Arenas*.

[334] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 350.

[335] "Summary of Measures Taken to Prevent Football Violence."

B. SECURITY MANNING AND CHAIN OF COMMAND

The security manning in aviation has grown tremendously with the advent of the TSA, whose primary mission is to protect U.S. airports on a daily basis. Furthermore, airports also use state and local police forces to enhance airport security.[336] There is a good working relationship between the TSA and police to reduce security seams at airports.

The EPL clearly defines its security chain of command, as every aspect of security is determined and funded by the league itself and determined by the safety officer.[337] The amount of security and police needed is assessed prior to each game, and the safety officer determines the security roles for each.

The NFL also has its own massive security workforce to secure its games, which is a combination of league security personnel and local law enforcement. Prior to each NFL game, similar to the EPL example, the team's security staff will have a meeting to determine threats and postures to protect the game.[338] Depending on the game's threat assessment, the given franchise will employ the proper amount of both police and NFL security forces in and around its stadium.

1. The Security Forces

The NFL's security manning has grown tremendously since 9/11 through both the use of its own security team and its partnerships with various law enforcement agencies. These additional security forces have helped the league to curtail the risk of terrorist attacks at its games, and the league continues to flex its security forces to meet the perceived threats.

Similar to the aviation example, the NFL uses both its own security forces and local police forces to protect its customers and infrastructures; however, the TSA employs a much larger permanent workforce. The NFL security force is different from

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[336] United States White House Office, *National Strategy for Aviation Security*, 13.

[337] *Guide to Safety at Sports Grounds*, 13.

[338] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 27.

the example of aviation in that the league only needs to maintain a small security workforce throughout the year to protect a minimum of ten home games per franchise between pre-season and regular season games.

The EPL example is a more useful comparison in this case because the professional soccer league's franchises only play nineteen regular season home games each year. The EPL, similar to the NFL, maintains a small permanent security workforce and also staffs its stadiums with both police and security stewards, or security forces, to cover the inside and outside of the stadiums. The NFL's security posture, deduced from the limited information available to the public from its *Best Practices Guide*, is similar to the EPL and on par with its next closest sporting league in terms of popularity and revenue.

What is unclear is how well the NFL compares to the EPL in terms of training its security staffers. The EPL is a proponent of continuously training all members of its security staff to maintain minimum thresholds for a given position, and this training is both mandatory and part of their security culture.[339] It is unclear if the NFL also has a similar security culture to the EPL in terms of training because this information is not available to the public.

2.   Intelligence

Another major component to the security personnel related to protecting the NFL from attacks is their ability to gather and disseminate intelligence related to a stadium's vulnerabilities. The league gathers all of its intelligence from both federal and local law enforcement agencies, and shares this information with its various need-to-know staff during pre-game risk assessment meetings.[340] The process of using intelligence can be shown as successful in that the league has not been attacked, and the league does take a proactive approach to keeping its games safe through its partnerships with various law enforcement agencies.

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[339] *Counter Terrorism Protective Security Advice for Stadia and Arenas*, 10.

[340] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 51.

The EPL takes a slightly different approach by employing its own small intelligence team for its individual franchises. The team tailors its work specifically to protect the people, games, and infrastructures at home games. It could prove beneficial for the NFL to also employ highly qualified intelligence officers for its individual franchises that could work with the FBI or local law enforcement to better understand the threats posed to teams at individual events.

Aviation's use of databases that maintain specific information on individuals helps to keep airports safe by reducing the likelihood of a known terrorist or suspect from gaining access into the secure areas of airports.[341] This type of measure could be helpful at NFL games. The EPL also maintains a list of individuals who are banned from its facilities.[342] The NFL should lobby to include the use of databases in its *Best Practice Guide* and start checking the identification cards of all adults entering games to reduce the chances terrorists entering stadiums. This measure could take place inside the secondary perimeter and well before the metal detectors, so that the lines will not be slowed significantly.

C.   SECURITY MEASURES

The use of technologies like metal detectors and cameras have helped the league to prevent terrorism at its games, despite a large number of attacks occurring at mass gatherings and in population centers in Western countries, especially over the last two years. Additionally, the NFL's measures to mitigate terrorism, such as the Bag Policy and *If you see something, say something* campaign have been beneficial in protecting the hundreds of league games that occur every season.

1.   Metal Detectors

The NFL uses conventional metal detectors to screen its fans prior to entering the stadiums, which is quite different from both the aviation and EPL examples. Aviation

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[341] United States White House Office, *National Strategy for Aviation Security*, 20.

[342] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3300.

uses whole-body scanners or AITs, which are the most effective method of clearing someone of metal; however, these technologies are not implemented at NFL games.

First, the sheer size of WBS or AIT scanners is significantly larger than the NFL's conventional metal detectors.[343] Therefore, teams would not be able to fit the same amount of WBS or AIT metal detectors around their inner perimeters, which would create further congestion around stadiums and slow lines that could be easily targeted by terrorists. Second, the WBS or AIT scanners would likely take more time to use per customer, which could also slow the rate at which fans pass from the secondary to inner perimeter areas. Third, the WBS or AIT metal detectors used in airports in their current state might not be suitable for prolonged outdoor use in harsh outdoor NFL conditions, like a hot and humid game in Miami or a freezing and snowing game in Chicago. Furthermore, WBS and AIT technologies require people to empty their pockets, remove bulky items like coats and jackets, and strip off items such as belts, in order to pass through the detection device.[344] The use of WBS or AIT technologies would be difficult for the NFL implement because it would significantly slow the rate at which people enter the stadiums. Additionally, this type of measure would likely be considered cumbersome to fans despite being used to this measure at airports.

The EPL, on the other hand, uses both metal wanding and the pat-down methods to screen its fans entering their stadiums. While these methods are more similar to the NFL's use of conventional metal detectors than to aviation's, they would still not be suitable for the NFL's metal detecting needs. First, the metal wanding and pat-down methods take more time per customer than do the walkthrough metal detectors, therefore creating a longer line for fans entering the games.[345] Second, metal wanding is less effective than conventional walk-through metal detectors in discerning metals, especially when considering that the wand detects only over the areas that it passes over.[346] Third,

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[343] Salter, *Politics at the Airport*, 13.

[344] Elias, *Changes in Airport Passenger Screening Technologies and Procedures*, 4.

[345] Ricks et al., "Modeling the Impact of Patron Screening at an NFL Stadium."

[346] Department of Homeland Security Center of Excellence, *Best Practices in Anti-Terrorism Security*, 103.

the NFL has tried the pat-down method in the past, but has since opted to instead use conventional metal detectors.

The NFL's use of conventional walk-through metal detectors is the best fit for its security needs since it balances the aspects of reducing the cue of fans to enter the games and is proven to be suitable for all weather conditions. Furthermore, it is reliable, and it adequately detects the presence of metals on people entering the stadiums. Additionally, people attending NFL games are used to the conventional metal detectors, and can quickly remove the necessary items from their pockets prior to pass through security.

The high attendance rates at NFL games indicate that fans are not significantly opposed to the league's screening procedures. Additionally, the league started its *Voice of the Fan* annual survey, which serves to inform each team about how well it is performing in relation to others, so that objections by fans to screening procedures can be identified.[347] The NFL attempts to keep its fans as safe as possible, while trying to not create too much security that takes away from the enjoyment for fans.

2.   Cameras

The NFL's use of cameras is on par with both American airports and the EPL. The NFL places cameras throughout the stadium and in all security perimeters and continuously monitors them. Cameras allow the league to quickly respond to threats emulating from each security perimeter, whether that is the inner, middle, or outer zone.

One potential shortfall of camera surveillance is the lack of cameras in outer perimeters. The NFL should place more cameras to survey the outer perimeters, specifically the tailgate areas. While placing more cameras in tailgates around the stadiums would be costly, both in terms of camera placement and in the need for additional security members to monitor them, this method could be useful in helping to quickly identify suspicious activity and to deter terrorists from attacking these areas.

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[347] Kaplan, "NFL Gives Teams Expanded Fan Experience Study."

3. Measures to Mitigate Terrorism

Compared to the American aviation industry and the EPL, the NFL has been proactive in its response to perceived threats since the 9/11 attacks. In aviation, the creation of many security measures to thwart terrorist activity, whether limiting what passengers can carry onto planes, creating no-fly lists, or having a more robust professional security team in the TSA, all happened in the wake of the 2001 attacks. In the EPL example, its many measures to mitigate hooligans and accidents at games came in response to several events in the 1980s that threatened the livelihood of English professional soccer.[348] As part of these changes, the EPL created the Football Banning Orders that limits the chances of hooligans from entering or getting near the stadiums without being spotted.[349] Additionally, the EPL also uses undercover cops deployed around the stadiums to spot any suspicious activities.

The NFL is different from both of these examples in that it not only analyzes its vulnerabilities based on the kinds of attacks that have taken place in crowded areas in the United States and abroad, but also encourages teams to tailor their security approaches to meet their own security needs based on different factors. The NFL's use of its Bag Policy and *If you see something, say something* campaign have helped mitigate risks in these highly publicized and massively attended events. Additionally, the NFL's partnership with DHS in getting accepted under the SAFETY Act as a QATT has demonstrated that the league is determined to protect its fans to the best of its ability.[350]

D. CONCLUSION

My initial hypothesis for this thesis was that the NFL had likely made the necessary changes to protect its fans in NFL stadiums, but that the league would likely need to increase security measures in its stadiums' secondary security perimeters and outer perimeters. After analyzing available information regarding the NFL's security policies, and comparing these to the EPL and American airport examples of security, it

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[348] "Summary of Measures Taken to Prevent Football Violence."

[349] Giulianotti, "Sport Mega Events, Urban Football Carnivals," 3300.

[350] Schimmel, "Protecting the NFL/ Militarizing the Homeland," 350.

appears that the NFL has made adequate changes to its security posture in the various security perimeters in the years since 9/11 and in relation to more recent incidents, such as after the Boston Marathon attack.

The inner and secondary perimeters for NFL games, which include the stadium and security lines, respectively, appear to be as protected as could reasonably be expected for sports-related security. It would be extremely difficult for someone to sneak weapons through security lines and into stadiums. The use of conventional body scanners and trained personnel makes it nearly impossible for someone to circumvent security to gain access into the stadiums. Additionally, the high police presence at NFL games both in the inner and secondary perimeter affords the league an opportunity to quickly confront threatening situations with police force.

The NFL takes the protection of each game seriously, as demonstrated by having a threat analysis prior to each event. This means the league is paying attention to changing threats globally, especially sports-related threats, and alters its security manning and posture accordingly.

The major deficit in the NFL's security scheme relates to its outer security perimeter and most notably the tailgate areas. The difficulty here is that these areas are massive and spread out, and third-party vendors own some of the lots. To prevent problems in these lots, the league will need to hire more security personnel and request for more police forces to patrol these areas. The league will also need to search backpacks or restrict them from being carried into lots. Additionally, franchises should create a partnership with all known third-party tailgate areas to ensure that the same security occurs in these areas.

The last area of major concern in tailgate areas is that some teams do not publish having random vehicle search procedures. To mitigate this risk, all teams should adopt a policy of randomly searching vehicles entering their lots while searching all large vehicles prior to entering, such as RVs or large vans. At the same time, all changes in tailgate security will need to be balanced against the reaction from fans to prevent fans

from choosing not to attend games because of excessive or needlessly intrusive search policies in the lots.

   The league will have to continue changing its security procedures each season to stay ahead of the threat of terrorism. Recent attacks worldwide demonstrate a trend that such terrorist organizations as ISIS will seize any opportunity to attack Western cultures—ideally causing spectacular damage. These recent attacks have all involved the use of guns, explosive devices or vehicles, as their means to kill people. The NFL has taken measures to mitigate all of these risks associated with these terrorist tactics, as well as other types of attacks. To maintain its ability to stop terrorism at games, the NFL will need to continue watching the types of attacks happening around the world, and evolve their counterterrorism measures in their annual meetings to ensure all teams are protected from different types of attacks.

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